The undersigned, legal owner(s) of the property situate in Ealtimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve An amendment to the site plan and Order in Case No. 81-88-A to remove restriction #1 to allow a "drive thru" facility and an addition to the building.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

> I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

439

| | | MAP NE |
|---|-----------------------------------|--------------------|
| Contract Purchaser: | Legal Owner(s): | NAP <u>NE</u> |
| | Taco Bell Corp. | 1 -3 |
| (Type or Print Name) | (Pype or Print Name) | |
| | (June Drant | DATE <u>9/</u> |
| Signature | Signature | |
| | David D. Bock, Area Cons | struction Nanager |
| Address | (Type or Print Name) | |
| | | DP |
| City and State | Signature | N·36, |
| Attorney for Petitioner: | 1940 Route 70 East | E-22, |
| Stanley S. Fine, P.A. | | 9) 424-7200 |
| / (Type or Print Name) | Address | Phone No. |
| Stanley & . Hine | Cherry Hill, New Jersey | 08003 |
| Signature | City and State | |
| 222 E. Redwood Street, Suite 300 | Name, address and phone number | of local owner con |
| Address Baltimore, Md. 21202 | tract purchaser or representative | to be contacted |
| *************************************** | Taco Bell Corp. | |
| City and State | Name | |
| 752-6597 Attorney's Telephone No.: | Same as above | |
| • | Address | Phone No. |
| | | |

of _____Iune____, 19_86_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the ___12th____ day of __August____, 19_86_, at _10:45 o'clock

ORDERED By The Zoring Commissioner of Baltimore County, this ____30th____ day

2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxacion than that applied for would give substantial relief;

whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if variances were granted, such use would not be contrary to the spirit of the BCZR and would not result in

substantial detriment to the public good. After due consideration of the testimony and evidence presented, it is

clear that a practical difficulty or unreasonable hardship would result if variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, variances will not be detrimental to the public health, safety,

Pursuant to the advertisement, posting of the property, and public hearand general welfare. ing on this Petition held, and for the reasons given above, the amendment

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, and variances should be granted. this _______ January, 1987, that the amendment to Case No. 81-88-A to remove Restriction 1 and to amend the site plan therein to allow a drive-thru, as shown on Petitioner's Exhibit 6, be approved and, as such, the Petition for Special Hearing is hereby GRANTED and, additionally, variances to permit other business signs totaling 116.10 square feet in lieu of the permitted 100 square feet and 27 parking spaces in lieu of the required 33 spaces be and is hereby GRANTED, from and after the date of this Order, subject, however, to the IN RE: PETITION SPECIAL HEARING AND * ZONING VARIANCES SW/corner of Joppa Road and Old Harford Road (2317 East Joppa Road) - 9th Election

District

ZONING COMMISSIONER

OF BALTIMORE COUNTY Case No. 87-45-SPHA

Taco Bell Corporation,

Petitioner

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein seeks to amend the site plan approved in Case No. 81-88-A by removing Restriction 1, which prohibits a "drive-thru" facility, and by allowing an addition to the existing building and, additionally, variances to permit five other business signs totaling 132.54 square feet in lieu of the permitted three signs totaling 100 square feet and 27 parking parking spaces in lieu of the required 33 spaces, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by David Bock, Area Construction Manager, appeared and testified and was represented by Counsel. Bruce O'Brien, District Manager, also testified on behalf of the Petitioner. Robert Holt, Director of the Woodcroft Civic Association, and Richard Elgin of the Perring Park Community Association appeared in opposition.

Testimony indicated that the subject property, located at the corner of East Joppa Road, Old Harford Road, and Bedlington Drive and zoned B.L., was granted a parking variance to permit 26 parking spaces in lieu of the required 32 spaces, with a restriction prohibiting a "drive in" facility, in Case No. 81-88-A. The language contained in the restriction appears not to be as clear as it could have been, and the Petitioner questions its applicability to its current proposal to add a "drive-in" facility.

The restaurant presently has 30 seats and 26 parking spaces, and the Petitioner wishes to add a drive-thru lane and pre-order board and to place a bubble over the order window. Five stacking spaces will be provided. The signage requested is for a menu board, pre-order board, free-standing identification (ID) sign on Joppa Road, and two directional signs with the Petitioner's emblem embossed thereon.

Mr. O'Brien testified that the drive-thru was now necessary in order for the Petitioner to remain competitive with other fast-food restaurants. The drive-thru will not, in his opinion, increase traffic but will draw from already existing traffic. It will enable the Petitioner to increase its business by 10 to 15% by attracting the impulse buyer. Presently, 40 to 45% of the Petitioner's business is carry-out, which requires those customers to park their vehicles, enter the building to order, receive the order, and return to the vehicles to leave. The drive-thru will enable a great percentage of these customers to literally drive—through without leaving their vehicles, thereby improving the parking conditions on the site. The addition of the drive-thru would mandate only one more parking space.

Mr. Elgin and Mr. Holt are opposed. They believe the restriction should remain and believe that the five stacking spaces are insufficient.

The Petitioner seeks to amend Case No. 81-88-A pursuant to Section 500.7 and relief from Sections 413.2.f and 409.2.b.(3), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

There is no question that the addition of the drive-thru is necessary to enable the Petitioner to remain competitive with similar fast-fool restaurants in the area. It has become the standard in this particularly competitive market. Certainly, the existing parking situation will improve with the

- 2 -

addition of the drive-thru in that less patrens will park their vehicles and more will simply drive through, pick up their orders, and leave the site.

There was a concern, however, about the provision of only five stacking spaces. The Petitioner, at the Zoning Commissioner's direction, submitted a revised site plan to the Department of Traffic Engineering, dated December 19, 1986 and identified as Petitioner's Exhibit 6, which closed off access to and from Old Harford Road and which has enabled the Petitioner to provide more stacking, i.e., eight spaces. This plan is acceptable to the Department of Traffic Engineering.

As for the signage, directional signs without advertising are permitted not exceeding 15 square feet, counting both sides, are permitted. The Petitioner proposes, however, to add its logo, which would thereby transform a simple directional sign to a business sign. The total request for signage, including the transformed directional signs, is for 132.54 square feet in lieu of the permitted 100 square feet. The addition of two such signs and a pre-order board to the already existing ID sign and menu board would require a variance to permit five other business signs in lieu of the allowed three signs. The latter will be denied, and the former will be reduced to 116.10 square feet by not permitting the Petitioner to place its logo on the directional signs. Directional signs are not limited to number, only to size, and the size requested here falls well within the legally prescribed limits.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for

> 1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:

following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said preparty to its original condition.
- 2. The revised site plan, dated December 19, 1986 and identified as Petitioner's Exhibit 6, shall be incorporated herein as the final approved plan.
- 3. The Petitioner shall be subject to Section 413.4, BCZR, regarding temporary signs, and any violation thereof shall cause the relief grantel herein to be revoked.

AJ/srl

cc: Stanley S. Fine, Esquire

Mr. Robert Holt Mr. Richard Elgin People's Counsel

IN THE MATTER OF THE APPLICATION OF TACO BELL CORPORATION FOR FETITION FOR SPECIAL HEARING SW/COR JOPPA ROAD AND OLD HALFORD ROAD (2317 JOFFA RD) AND VARIANCE 9th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT

REFORE COUNTY BOARD OF AFPEALS BALTIMORE COUNTY

CASE NO. 87-45-SPHA

OPINION

This case comes before this Board on appeal from a decision of the Zening Commissioner granting the Petition for Special Hearing.

The Board convened this Learning after a 40-minute waiting periot for the non-appearance of the Petitioner or his Counsel. Telephone a swermations with Councel for the Petitioner (Stanley Fine, Enquire) resulted in his claim that he had no notice of today's hearing and because of health problems would be unable to attend. The Board's file indicates a New Jersey address for the Fetitioner, but the file also indicates that notice was afforded to all parties of the time and hearing date. Mr. Bichard Elgin, Appellant/Instectant. under oath on the stand testified that he was prevent in Mr. Fine's effice when Mr. Fine was advised of the hearing date.

On the basis of these circumstances, the board is of the opinion that the letition for Special Bearing is dishe distinct without probable and | will be enter.

UKEFA

It is therefore this 1/2 day of 2019, 1987 by the county Found of Appeals of Faltimere County ONDERSD that the Fetition for Special

Taco Pell Corporation Case No. 87-45-SPHA

Hearing in Case No. 87-45-SPHA be and the same is DISMISSED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

> COUNTY BOARD OF APPEALS OF PALTIMORE COUNTY

Z.C.O.-No. 1

- 5 **-**

an area variance, the petitioner must meet the following:

- 3 -

IN THE MATTER OF THE APPLICATION OF TACO BELL CORPORATION FOR FOR PETITION FOR SPECIAL HEARING SW/COR JOPPA ROAD AND BALTIMORE COUNTY OLD HARFORD ROAD (2317 JOPPA ROAD) AND VARIANCE AT LAW 9th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT Cứ Doc. No. 44 Folio No. ____281 File No. 87-CG-3411

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Thomas J. Bollinger, and Harry E. Buchheister, Jr. constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Stanley S. Fine, Esquire, and Barry Weiskopf, Esquire, Kaplan, Heyman, Greenberg, Engelman & Belgrad, P.A., Tenth Floor, Sun Life Building, 20 S. Charles Street, Baltimore, MD 21201, Counsel for Petitioner; David D. Bock, Area Construction Manager, Taco Bell Corporation, 1940 Route 70 East, Suite 203, Cherry Hill, NJ 08003, Petitioner; Greater Parkville C/C, P.O. Box 28449, Baltimore, MD 21234, Protestants; Mr. Richard R. Elgin, Perring Park Community Assoc., 2509 Cider Mill Road, Baltimore, MD 21234, Protestant; Mr. Robert Ward, Woodcroft Civic Association, 2408 Burridge Road, Baltimore, MD 21234, Protestant; Mr. William Gerhardt, 8821 Old Harford Road, Baltimore, MD 21234, Protestant; Mr. John E. Sinnott, Perring Park Community Association, 2314 Harford Hills Road, Baltimore, MD 21234, Protestant; Mr. Mariano Cuba, 8923 Old Harford Road, Baltimore, MD 21234, Protestant; Mr. Joseph Sullivan, 8825 Old Harford Road, Baltimore, MD 21234, Protestant; and Phyllis Cole Friedman, Esquire, Room 223, Courthouse, Towson, MD 21204, People's Counsel

COLUMBIA OFFICE WALTER PARK Registered Surveyor PHONE 730-9060

TOWSON OFFICE HUDKINS ASSOCIATES, INC. · Engineers, Surveyors and Landscape Architects 200 EAST JOPPA ROAD ROOM 101, SHELL BUILDING TOWSON, MARYLAND 21204 PHONE: 828-9060

May 27, 1986

L. GERALD WOLFF Landscape Architect PHONE 838-0888

BEL AIR OFFICE

DESCRIPTION FOR ZONING VARIANCE - 2317 E. JOPPA ROAD:

Beginning for the same at the point formed by the intersection of the south side of East Joppa Road (70 feet wide) with the west side of Old Harford Road (60 feet wide) thence (1) South 66 degrees 11 minutes 10 seconds East 34.77 feet (2) South 44 degrees 06 minutes 00 seconds East 63.46 feet (3) South 03 degrees 21 minutes 10 seconds West 22.10 feet (4) South 50 degrees 48 minutes 30 seconds West 131.94 feet (5) North 23 degrees 47 minutes 19 seconds West 169.38 feet and (6) North 84 degrees 00 minutes 04 seconds East 96.43 feet to the place of beginning.

> Malcolm E. Hudkins Registered Surveyor #5095

Case No. 87-45-SPHA Taco Bell Corporation

for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

I HEREBY CERTIFY that a copy of the aforegoing Certificate of Notice has been mailed to Stanley S. Fine, Esquire, and Barry Weiskopf, Esquire, Kaplan, Heyman, Greenberg, Engelman & Belgrad, P.A., Tenth Floor, Sun Life Building, 20 S. Charles Street, Baltimore, MD 21201, Counsel for Petitioner; Mr. David D. Bock, Area Construction Manager, Taco Bell Corporation, 1940 Route 70 East, Suite 203, Cherry Hill, NJ 08003, Petitioner; Greater Parkville C/C, P.O. Box 28449, Baltimore, MD 21234, Protestant; Mr. Richard R. Elgin, Perring Park Community Assoc., 2509 Cider Mill Road, Baltimore, MD 21234, Protestant; Mr. Robert Ward, Woodcroft Civic Association, 2408 Burridge Road, Baltimore, MD 21234, Protestant; Mr. William Gerhardt, 8821 Old Harford Road, Baltimore, MD 21234, Protestant; Mr. John E. Sinnott, Perring Park Community Association, 2314 Harford Hills Road, Baltimore, MD 21234, Protestant; Mr. Mariano Cuba, 8823 Old Harford Road, Baltimore, MD 21234, Protestant; Mr. Joseph Sullivan, 8825 Old Harford Road, Baltimore, MD 21234, Protestant; and Phyllis Cole Friedman, Esquire, Room 223, Courthouse, Towson, MD 21204, People's Counsel for Baltimore County, on this 7th day of August , 1987.

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSICATE

* * * * * * * *

ENTRY OF APPEARANCE

above-captioned matter. Notices should be sent of any hearing dates or

Phyllis Cole Friedman

Peter Max Zirmerman Deputy People's Counsel Room 223, Court House Towson, MD 21204

of the foregoing Entry of Appearance was railed to Stanley S. Fine, P.A.,

Peter Max Zirmerman

222 E. Redwood St., Suite 300, Baltimore, MD 21202, Attorney for Petitioner.

I HIRIBY CERTIFY that on this 25th day of July, 1986, a copy

other proceedings in this matter and of the passage of any preliminary

Please enter the appearance of the People's Counsel in the

Phyllic Cole Fredman

Leter May Commence

eles Max Carrier

People's Counsel for Baltimore County

TACO BELL CORP., Petitioner : Case No. 87-45-SPHA

OF BALTIMORE COUNTY

SW/Corner of Joppa Rd. & Old :

Harford Rd. (2317 E. Joppa Rd.)

9th District

or final Order.

County Board of Appeals of Baltimore County Room 200, Courthouse, Towson, MD 21204

> Petitioner: Taca Rall Care Location of property: 3 Hologe Jane Rid of Martinia All Location of Signa: 2 Facing Secret For open 10 fr. years way to beginning

County Board of Appeals of Baltimore County

Zala sa ya saya sa kasa sa sa sa sa sa

Stanley S. Fine, Esquire 222 East Redwood Street Suite 300 Baltimore, Maryland 21202

*Greater Parkville C/C

Peoples Counsel

P.O. Box 28449, Baltimore, Md. 21234

Request Notification: Norman E. Gerber

Stanley S. Fine, Esquire, Attorney for Petitioner

James Hoswell Arnold Jablon

James E. Dyer

Jean M. H. Jung

Mr. David D. Bock, Area Construction Manager

Sun Life Bldg., 10th Floor, 20 S. Charles Street, Baltimore, Md. 21201

Taco Bell Corp., 1940 Route 70 East, Suite 203, Cherry Hill, NJ 08003

Margaret E. duBois, Docket Clerk

CERTIFICATE OF POSTING

Posted for: Secretal Years & Voriones

2317 F Jugar Rd.

old Horard Rel on property it to blower

Remarks:

ZONING DEPARTMENT OF BALTIMORE COUNTY 97 115 - SPAR

Date of Posting

July 7, 1986

Date of return. 7/1/3/

NOTICE OF HEARING RE: PETITIONS FOR SPECIAL HEARING AND VARIANCES

SW/cor. of Joppa Rd. and Old Harford Rd. (2317 East Joppa Rd.) 9th Election District Taco Bell Corp. - Petitioner Case No. 87-45-SPIIA

TIME: 10:45 a.m. DATE: ____ Monday, August 18, 1986 PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

> oning Conumbiasioner of Baltimore County

> > all seet

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

Board of Appeals

DATE: February 2, 1987

Office of Zoning

SUPJECT: PETITION FOR SPE LAU HEARING AND VARIANCE SW/cor. of Joppa Road and Old Harford Road (2317 E. Joppa Road) 9th Election District Taco Bell Corporation - Petitioner Case No. 87-45-SPHA

> APPEAL FILED BY: Appellant/Protestant - Richard R. Elgin for the Perring Park Community Association

The following items are being transmitted in accordance with the appeal filed on the above-referenced case:

- 1) Petitions for Special Hearing and Zoning Variance
- 2) Description of Property 3) Certificates of Posting
- 4) Certificates of Publication
- 5) Baltimore County Zoning Advisory Committee Comments 6) Director of Planning & Zoning Comments
- 7) Entry of Appearance of People's Counsel for Baltimore County
- 8) Order of Zoning Commissioner
- 9) Notice of Appeal Filed on 2/02/87 by Appellant/Protestant -
- Richard R. Elgin for the Perring Park Comm. Assoc. 10) Petitioner's Exhibits as follows:

Exhibit 1 - Site Plan Exhibits 2a thru 2k - Color Photos Exhibit 3a through 3c - Color Photos

Exhibit 4 - Letter of support Exhibit 5 - Breakdown of square footage for Signs Exhibit 6 - Pevised Site Plan

11) Letters from Protestants as follows:

Letter of Opposition from Eigle Cuta Letter of Opposition from T. W. Chenowith Letter of Opposition from Mr. & Mrs. Sullivan Two Letters of Opposition from various Citizens

★Mr. Richard R. Elgin, Appellant/Protestant Perring Park Comm. Assoc. 2509 Cider Mill Rt., 21234

Mr. Robert Ward, Vice President

*Westeroft Civic Asacc., 2403 Burridge Rd., 21234

¥Mr. WIlliam Gerbardt

001 01: Herrord 8:.. 21234

*Perring Park Community Assoc. 2314 Hariori Hills Rd., 21234 ∦rMr. Mariano Cuba

Mr. John E. Sinnott, President

8823 Cld Harford Fi., 21234

∦-Mr. Joseph Sullivan 8835 Sid Harford Hd., 21234

BALTIMORE COUNTY, MAPYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

No. 29911

FFB 2 1987

VALIDATION OR SIGNATURE OF CASHIST

Coming Commissioner Faltimore Sounty Office Elig. Meltimore, Mis 21204

In whom it my concerns

The following bultimore County residence and community Associations wish to enter an AFPSAL to the bultimore Jointy Board of Appeal resumming Fr. Arnold Jation, Toping to a first the position of case of the city of the first of the city of

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The state of the second Control of the control Baltimare, No. 18 18 a since Tillia

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VALIDATION OR SIGNATURE OF CASHIER

TACO BELL COPP. SIGNAGE 2317 E. Joppa Road

69.00 sq. ft. l pylon sign (refaced) 23.55 sq. ft. 1 menu board (single-faced) 1 pre-order menu board (single-faced) 23.55 sq. ft. 2 directional signs (double-faced) 16.44 sq. ft.

132.54 sq. ft.

Totals: 5 signs

A CONTRACTOR OF THE SECOND



County Woard of Appeals of Baltimore County

Room 200 Court House Toluson, Maryland 21204 (301) 494-3180

August 17, 1987

Barry Weiskopf, Esquire Tenth Floor -Sun Life Building 20 South Charles Street Baltimore, MD 21201

RE: Case No. 87-45-SPHA Taco Bell Corporation

Dear Mr. Weiskopf:

The Board has considered your Motion to Revise the Order of this Board dated July 7, 1987, and will deny this Motion.

The Board had before it sworn testimony that the hearing and the date were discussed at a meeting attended by Petitioner's Counsel and that notice of the hearing date was sent not only to Petitioner's Counsel but to the Petitioner personally. An effort. was made on the day of the hearing to have Petitioner represented and this was not accomplished.

The Board can therefore find no justification for revising its decision in this matter and your Motion to Revise Order is hereby

Very truly yours,

William T. Harbell William T. Hackett, Chairman County Board of Appeals

cc: Stanley S. Fine, Esquire

August 29, 1986 Page 2

tom and

I am enclosing some guest cards which I hope you will use. While in the store, please introduce yourself to Don.

Yery truly yours, BrugoBrin Bruce J. O'Brien District Manager BJO/scp

SPECIAL HEARING

AND VARIANCES
9th Election District
Case No. 87-45-SPHA

LOCATION: Southwest Corner of Joppe Road and Old Harford Road

(2317 East Joppe Road)
DATE AND TIME: Monday, August

18, 1986, at 10:45 a.m. PUBLIC HEARING: Room 106,

County Office Building, 111 W. Chesapeake Avenue, Towson,

The Zoning Commissioner of Balti-more County, by authority of the Zon-ing Act and Regulations of Baltimore

County, will hold a public hearing:
Petition for Special Hearing to remove Restriction No. 1 in Order, dated
11/14/80, in the Case No. 81-88-A and

the building
Petition for Zoning Variances to per-

retition for Zoning variances to permit 5 other business signs totaling 132.54 square feet in lieu of the permitted 3 other business signs totaling 100 square feet and 27 parking spaces in lieu of the required 33 spaces.

Being the property of Taco Bell Corp., as shown on plat plan filed with

the Poning Office.

In the event that this Petition(s) is

granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit

during this period for good cause shown. Such request must be received

in writing by the date of the hearing set above or made at the hearing.

By Order Of ARNOLD JABLON

Zoning Commissioner of Baltimore County

7/310 July 31.

Enclosures

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 31 , 19 86 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baitimore County, Md., appearing on July 31

Susan Senders Obrect

Cost of Advertising

30.25



County Board of Appeals of Haltimore County Room 200 Court House Cotuson, Maryland 21204 (301) 494-3180

March 30, 1988

Mr. Richard Elgin 2509 Cider Mill Road Baltimore, MD 21234

> RE: Case No. 87-45-SHHA Taco Bell Corporation

Dear Mr. Elgin:

As promised, enclosed is a copy of the Stipulation of Dismissal which was forwarded to the Circuit Court for Haltimore County on October 16, 1967, to dismiss the appeal taken to the Circuit Court by Taco Bell Corporation.

Administrative Secretary

En Tearpre



Baltimore Washington Area Taco Bell Corp 10 Pigeon Hill Drive, #50 Sterling Virginia 22170 Telephone 703 450 2377

August 29, 1986

Ms. Virginia Schreil 8814 Ashford Road Baltimore, Maryland 21234

Dear Ms. Schreil:

First, please let me apologize if I have mispelled your name. I am reading from a rather faint copy of the petition you have filed concerning our application for a zoning variance for our location at 2317 East Joppa Road.

As the District Manager whose area of responsibility includes the Joppa Road location, I found the issues you have raised to be very disturbing. It is Taco Bell's policy to be a good corporate neighbor wherever we do business. This, after all, is only good upon your comments, we have not been entirely successful in fulfilling that obligation.

I have had a lengthy conversation with unit manager. Don Schaffer. (who is fairly new to this restaurant) concerning our responsibilities (who is fairly new to this restaurant) concerning our responsibilities to you, our neighbors. Don will be responsible for insuring that we keep the surrounding residences free of litter (whether it be Taco Bell litter or not). Night managers have been instructed to make regular checks of the parking area to control loitering, noise levels, etc., and to call the police if necessary. Before long, I hope, word will spread that Taco Bell is not the place to "hang out." We have contacted our trash hauler, who has promised to reroute his truck so that trash will not be picked up before 7:00 a.m. I am also doing some research on late night sales at this unit. It is also doing some research on late night sales at this unit. It is possible that, if we are successful in opening a drive thru, we can close the dining room earlier. Experience at other stores indicates that this would reduce the loitering problem.

As you know, we will be making a presentation of our plans to the community on September 10, 1986, to which a representative of the Old Harford Road/Ashford Road residents has been invited. I hope this meeting will allow us to fully understand each other.

If you find that we are not measuring up to the commitments made in this letter, or if there are other problems, please call Don Schaffer at 668-5882, so that we can pinpoint responsibility and take corrective action. Don is normally in the restaurant on Tuesday through Saturday.





Baltimore County, Maryland

PEOPLE'S COUNSEL RM. 223, COURT HOUSE TOWSON, MARYLAND 21204 494-2188

PHYLLIS COLE FRIEDMAN People's Counsel

PETER MAX ZIMMERNAN Deputy People's Counsel

October 16 . 1997

The Homorable Suranne Mensh, Clerk Circuit Court for Baltimore County Courts Bullding Towson, Marylant 21204

RP: In the Mitter of the Aprilication of Tara Bell Corporation for Special Hearing - Cst. Ct. Case 80. 87-ca-3411

Madam Clerk:

Findered for tiling please fint a Stipulation of Dismissal of the above-captioned case which has been signed by all counsel. Under Bule 2-505(a), an Order does not appear to be required.

> Very truly yours, Peter Max Zimmerman Laputy People's Counsel

Enclosure

est Starter S. Hire, Esplice Barry Weiskout, Espaire Kaplan, Heyman, Greenberg, Freelman's belong that A. A. 10th Floor - San 15te Bullding

20 S. Charles Street Baltimore, Maryland 21201

PMJ:sh



County Board of Appeals of Baltimore County 4. 10 Room 200 Court Mouse Tawson, Maryland 21204

(301) 494-3180

ZONING OFFICE

August 7, 1987

Mr. Richard R. Elgin Perring Park Community Association 2509 Cider Mill Road Baltimore, MD 21234

> RE: Case No. 87-45-SPHA Taco Bell Corporation

8/6/mb- balakana

Dear Mr. Elgin:

Encl.

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Aiministrative Secretary

cc: Mr. Robert Ward Mr. William Gertarit Mr. John E. Sinnots Mr. Mariano Cuba Mr. Joseph Sullivan Greater Parkville C/C Phyllis Cole Friedman, Esquire Wordan E. Gerber James G. Hoswell J. Robert Haines Jean M. H. Jung James E. Dyer Margaret E. di Bois



County Moned of Appenls of Baltimore County

Room 200 Court House Comson, Maryland 21204 (301) :91-3180

5 78 10 1901 C

NOTICE OF ASSIGNMENT

February a, 1947

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT BEASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND REASONS. REQUESTS FOR FOSTFOREMENTS MOST BY IN WHITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO FOSTFOREMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH BULE 2(c), COUNTY CANAND ANDERSONA

> SWicon. Joppa 81. and Old Harford 81. 91m District SPH-To allow drive-thru facility % an iduation to the building Parin e-Por signs and parking spaces ATT TO AVE THE YEAR OF THE TENER OF THE TENE

> > Appellant Protest mt

TACO SELL CORPORATION

Car Mercal Fact Fig. 1

Appellant to tentant Mr. School ding

Mr. Alling Jerry with Mr. Com Stratt

Mr. Marians saga

of I for a set to be a

Matter to the 18

SOLOMON KAPLAN

LAW OFFICES Kaplan, Heyman, Greenberg, Engelman & Belgrad, P.A.

TENTH FLOOR-SUN LIFE BUILDING

20 SOUTH CHARLES STREET

BALTINORE, MARYLAND 21201

(301) 519-6967

August 5, 1987

CHARLES B. HEYMAN MANNES F GREENBERG WILLIAM H. ENGELMAN MERBERT J BELGRAD THEODORE S. MILLER MARK D. DOPKIN STANLEY 5. FINE SEARLE & MITNICI KENNETH P. NIMAN JOHN PHILIP MILLER LOWELL G. HERMAN MARRIET E. COOPERMAN

DANIEL & KATZ MICHAEL O. BERMAN WILLIAM D. SHAUGHNESSY. THOMAS D. WOLFE

PARBARA J ENGLISH

BARRY WEISHOPF CHRIS A. OWENS

County Board of Appeals

Re: In the Matter of the Application of Taco Bell Corporation Case No. 87-45-SPHA

Dear Sir/Madam:

Room 200, Court House

Towson, Maryland 21204

I am enclosing herewith for filing in the above-referenced matter a Motion to Revise Order and an Order of Appeal. Please note that the Order of Appeal is being filed on this date in the Circuit Court for Baltimore County. therefore, I would ask for a decision as soon as possible on the Motion to

Thank you for your anticipated cooperation in this matter.

Very truly yours

cc: Stanley S. Fine, Esquire

€0 € d 9- SNY L831 SOUNTY BOARD OF APPEALS

THE CITIZANS LISTED ARE AGAINST THE FOLLOWING ZONING NOTICE STATES PROPERTY KNOWN AS TACO BELL AT THE INTERSECTION OF JOPPA ROAD AND BEDLINGTON AVENUE.

ZONING NOTICE SPECIAL HEARING ZONING COMMISSIONER TOWSON, M.D. PLACE 111 W. CHESAPEAKE AVE. COUNTY OFFICE BLDG. TIME & DATE - MON. AUG. 18, 1986 - TIME 10:45 AM CASE NUMBER 87-45-STHA

TO REMOVE RESTRICTION NO. 1 IN ORDER DATED 11-40-80 IN CASE NO. 81-88A, AND TO AMEND THE SITE PLAN TO PERMIT A "DRIVE-THRU" FACILITY AND AN ADDITION TO THE BUILDING.

WE THE PEOPLE OF THE COMMUNITY FEEL THAT RESTRICTION NO. 1 SHOULD REMAIN IN EFFECT INDEFINITELY DUE TO THE FACT OF NOISE, EXCESSIVE TRAFFIC, TRASH, AND UNWANTED PEOPLE WALKING THROUGH THE AREA ALL HOURS OF THE NIGHT.

TRAFFIC - - ACCIDENT RATE HAS INCREASED DRASTICALLY AT ALL ENTRANCES, EXITS, AND INTERSECTIONS.

NOISE -- SOME NEIGHBORHOOD RESIDENCE CANNOT EVEN OPEN THERE WINDOWS AT NIGHT DUE TO THE FOUL LANGUAGE, AND YOUTHS ON THE PARKING LOT SQUEALING CAR TIRES.

TRASH -- THE NEIGHBORHOOD HAS EECOME A TRASH DUMPSTER; WITH ONE RESIDENT REMOVING 16 BAGS OF TRASH THIS YEAR. ALSO, THERE HAVE BEEN SEVERAL FIRES IN THE TACO BELL DUMPSTER. TACO BELL DOES NOT SELL BEER; BUT THE BEER BOTTLES IN THE AREA ARE SCATTERED ON LAWNS OF OLD HARFORD ROAD AND HAS INCREASED DRASTICALLY.

UNWANTED PEOPLE

IT HAS BEEN NOTICED THAT PEOPLE USING THE TACO BELL PARKING LOT ARE NOT AWARE OF THE RESTROOM FACILITY. NUMEROUS PEOPLE HAVE BEEN SEEN URNIATING ON THE LAWYS, BEHIND BUSHES, AROUND THE DUMPSTER, AND EVEN ON PRIMATE

IT HAS BECOME A HANG OUT FOR CLDER TEENAGERS IN THE EARLY MORNING HOURS. POLICE HAVE BEEN SUMMONS SEVERAL TIMES IN JUST A FEW YEARS.

NO WE THE CITIZENS OF THE COMMUNITY DO NOT WANT TO SEE RESTRICTION NO. | FEMOVED. ROBBERY ALSO HAS INCREASED IN THE CLOSE AREA WITH TACO BELL BEING RODSED SEVERAL TIMES IN JUST A FEW YEARS.

IN THE MATTER OF * BEFORE THE

THE APPLICATION OF * COUNTY BOARD OF APPEALS TACO BELL CORPORATION * OF BALTIMORE COUNTY

FOR PETITION FOR SPECIAL HEARING SW/COR JOPPA ROAD AND Case No. 87-45-SPHA

OLD HARFORD ROAD (2317 Joppa Rd) AND VARIANCE 9th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT

MOTION TO REVISE ORDER

Taco Bell Corporation, Petitioner, by its attorneys, Stanley S. Fine, Barry Weiskopf and Kaplan, Heyman, Greenberg, Engelman & Belgrad, P.A. move this Board to revise its Order dated July 7, 1987 in the above-referenced matter pursuant to Rule 10 of the Rules of Practice and Procedure of the County Board of Appeals, and as reasons therefore state the following:

1. This Motion is filed within thirty (30) days of the entry of the Order.

2. Neither Petitioner nor its undersigned counsel received notice of the date of the proceedings as required under Rule 2A of the Rules of Practice and Procedure of the County Board of Appeals.

3. The Order entered by the Board in this matter is without prejudice.

4. The failure by the Petitioner or its counsel to receive the notice amounts to such mistake or irregularity as to justify this Board revising its judgment to permit a rehearing of this matter.

WHEREFORE, your Petitioner prays:

A. That this Board revise its Order dated July 7, 1987 to permit a hearing of this matter; and

B. For such further relief as this Board deems just.

Aughter, Hoyman, Verenberg, Engelman & Bolgward, P. S. KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELGRAD, P.A. Tenth Floor - Sun Life Building 20 South Charles Street Baltimore, Maryland 21201 301/539-6967

Attorneys for Petitioner

October 1, 1986

Taco Bell Corporation

Re: Case No. 87-45-SPHA

County Board of Appeals of Baltimore County

Room 200 Court Mouse

Comeon, Maryland 21204

(301) 454-3180

August 7, 1987

Dear Mr. Weiskopf:

Barry Weiskopf, Esquire

KAPLAN, HEYMAN, GREENBERG

20 S. Charles Street

Baltimore, MD 21201

ENGELMAN & BELGRAD, P.A.

Tenth Floor, Sun Life Building

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above entitled matter within thirty

The cost of the transcript of the record must be paid by you. Certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you file in court, in accordance with Rule B-7

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Alministrative Secretary

Enclosures

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BALTIMORE COUNTY OFFICE OF PLANNING & ZONING TOWSON MARYLAND 21204

> ARNOLD JABLON ZONING COMMISSIONER

JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER

October 1, 1986

Stanley S. Fine, Esquire Kaplan, Heyman, Greenberg, Engleman & Belgrad, P.A. 10th Floor - Sun Life Building 20 South Charles Street Baltimore, Maryland 21201

> RE: PETITIONS FOR SPECIAL HEARING AND VARIANCES SW/cor. of Joppa Rd. and Old Harford Rd. (2317 East Joppa Rd.) 9th Election District Taco Bell Corp. - Petitioner Case No. 87-45-SPHA

Dear Mr. Fine:

Pursuant to our telephone conversation of this date, this letter is to confirm and advise everyone that this case has been scheduled for a continued hearing before Commissioner Arnold Jablon on Monday, November 3, 1986, at 1:30 p.m., in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.

Very truly yours,

Margaret & du Con Margaret E. du Bois Hearings Clerk Zoning Office

ccs: Mr. David D. Bock, Area Construction Manager Taco Rell Corporation 1940 Route 70 Last Suite 203 Cherry Hill, New Jersey 08003

> Mr. Robert Ward, Vice President, Woodcroft Civic Association 2408 Burridge Road Baltimore, Maryland 21234

See page 2

Stanley S. Fine, Esquire Kaplan, Heyman, Greenberg, Engleman & Pelgrad, P.A.

ccs: Mr. William Gerhardt 8821 Old Harford Road Baltimore, Maryland 21234

> Mr. John E. Sinnott, President, Perring Park Community Association 2314 Harford Hills Road Baltimore, Maryland 21234

Mr. Richard Elgin 2509 Sector Highly Road Research Thing the Baltimore, Maryfand 21234 People's Counsel for Baltimore County

TACO BELL CORPORATION CW/cor of Joppa Road and Old Harford Road (2317 E. Joppa Foad)

required 34

dime to their

SIH -to umend site plan approved in Case #41-48-4 to permit drive-thru facility; VAS -to permit 5 business signs in life of permitted 3 and to permit 27 parking spaces in they or

#37-45-2784A

4th Election District

Fetitions of Taco Bell Corp. to amend approved site plan of Case #-1-85-A to permit drive-thur facility and addition; and for variances to permit 5 business

signs in lieu of permitted 3 and 27 parking spaces in lieu of required 33. January 19, 1947 Order of I.C. GRANTING Petition for Special Hearing to amend site plan and remove restrictions in Case Ap. 41-84-A; OSANTING variances to termit business signs totalling the to sq. ft. in lieu of permitted 190 sq. ft. and of parking spaces in lieu of required 33 spaces, subject to restrictions. Fobruary 2 Coffee of Appeal to C.B. of A. from Bisbard R. Flwin. William Jenhandr. Mantano C. Caba. Comeph Callivan. Ferring Back C A, Greater Backville C 2, and Wood room J.A. Instructions.

. Herming scheduled before C.B. of A.: Board convened he ming after whemmute writing period due to nonappearance of Petitioner or his Counsel.

Jan V Order of the Board DIOMISSING Petition. Assessment on

Enden for Appeal to Streett Stoom 500 from Stomley d. Firm, hip., and harm Weisson's aspect haret de-define the companies of the filter of the companies of th

Contains also on Mora a port to interported parties. a experience and Description testimony filed: Be ont of Drogentiers file for the party

e a tost eigen tea City lation of Cismismit filed in Circuit Comp. from all Course. (3. Fire, Est; B. Weinkopf, Esq; and P. Chemermann, Dep. posSTEPHEN E. COLLINS DIRECTOR

June 30, 1986

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

> Item No. 439 Property Owner: Location: Existing Zoning: Proposed Zoning:

Meeting of June 10, 1986 Taco Bell Corporation SW/C Joppa Rd. and Old Harford Rd. B.L. - CS2 Special Hearing to approve an amendment to the site plan and Order in Case No. 81-88-A

Acres: District:

Dea: Mr. Jablon:

We have reviewed the submitted site plan and have the following comments:

0.375 acres

9th Election District

1. The site plan does not provide for sufficient stacking spaces from the order board for the drive-thru window.

2. The entrance and the exit for the drive-thru window do not provide a large enough radius; this will tend to cause congestion on Old Harford Road and Joppa Rd.

3. The proposed parking variance can be expected to cause parking problems in the area around the site.

Traffic Engineer Associate II

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Location: SW/L Joppa Rd. + OLD Harfiel Rd District 9th

Water Supply Poplic Sewage Disposal Ciblic

(X) Prior to approval of a Building Permit for construction, renovation and/or

installation of equipment for any existing or proposed food service facility.

ments for such installation/s before work begins.

A permit to construct from the Division of Air Pollution Control is required

for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts

A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five

() Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance. State Department

() Prior to any new construction or substantial alteration of public swimming

() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact

pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2)

copies of plans and specifications must be submitted to the Ealtimore County

Department of Health for review and approval. For more complete information. contact the Recreational Hygiene Section, Division of Environmental Support

of Health and Mental Hygiene for review and approval.

the Division of Maternal and Child Health.

CONTACT STATE Kyleni C. Superison Plants Francis, ENJ SIEL STUJ4-3171

complete plans and specifications must be submitted to the Plans Review

Section, Environmental Support Services, for final review and approval.

() Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain require-

to remove restriction #1 to allow a "drive

thru" facility and an addition to the building

and a Variance to permit a total sign square

footage of 132.54 square feet in lieu of the

business signs. T. permit 27 parking spaces

business signs in lieu of the allowed 3 other

allowed 100 square feet and permit 5 other

in lieu of the required 33 parking spaces.

Zoning Commissioner

County Office Building

Towson, Maryland 21204

COMMENTS ARE AS FOLLOWS:

into the stmosphere.

(5) square feet or more.

Office of Planning and Zoning

Property Owner: Toco Call Coccocalud

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 23, 1986

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

Chairman

Department of State Roads Commissio

Bureau of

Fire Prevention Health Department Project Planning Building Department Board of Education Zoning Administration

Industrial

Stanley S. Fine, Esquire 222 E. Redwood Street, Suite 300 Baltimore, Maryland 21202

> RE: Item No. 439 - Case No. 87-45-SPHA Petitioner: Taco Bell Corp. Petitions for Special Hearing and Zoning Variance

Dear Mr. Fine:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

> Very truly yours. Chairman Zoning Plans Advisory Committee

JED:kkb

Enclosures

Zoning Item # 119 Zoning Advisory Committee Meeting o

) Soil percolation tests (have been/must be) conducted.

the minimum Baltimore County Standards must be drilled.

The results are valid until

shall be valid until

additional tests are required.

Management at 494-3768.

well yield test

cc: Hudkins Associates, Inc. 200 East Joppa Read, Room 101 Towson, Maryland 21204

> Taco Bell Corp. 1940 Route 70 East, Suite 203 Cherry Hill, New Jersey 08003

() Prior to razing of existing structure/s, petitioner must contact the Division

() Any abandoned underground storage tanks containing gasoline, waste oil, sol-

disposal of potentially hazardous materials and solid wastes.

of Water Quality and Waste Management at 494-3768, regarding removal and/or

vents, etc., must have the contents removed by a licensed hauler and either

Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether

be removed from the property or properly backfilled. Prior to removal or

abandonment, owner must contact the Division of Water Quality and Waste

() Where water wells are to be used as a source of water supply, a well meeting

is not acceptable and must be retested. This must be accomplished

prior to conveyance of property and approval of Building Permit

() In accordance with Section 13-117 of the Baltimore County Code, the water

() Prior to occupancy approval, the potability of the water supply must be

() If submission of plans to the County Review Group is required, a Hydro-geological Study and an Environmental Effects Report must be submitted.

verified by collection of bacteriological and chemical water samples.

THE CITIZANS LISTED ARE AGAINST THE FOLLOWING ZONING NOTICE PROPERTY KNOWN AS TACO BELL AT THE INTERSECTION OF JOPPA ROAD AND BEDLINGTON AVENUE.

ZONING NOTICE SPECIAL HEARING ZONING COMMISSIONER TOWSON, M.D. PLACE 111 W. CHESAPEAKE AVE. COUNTY OFFICE BLDG. TIME & DATE - MON, AUG. 18, 1986 - TIME 10:45 AM CASE NUMBER 87-45-SPHA

TO REMOVE RESTRICTION NO. 1 IN ORDER DATED 11-40-80 IN CASE NO. 81-88A, AND TO AMEND THE SITE PLAN TO PERMIT A "DRIVE-THRU" FACILITY AND AN ADDITION TO THE

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BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon TO Zoning Commissioner

Norman E. Gerber, AICP, Director

FROM Office of Planning and Zoning SUBJECT_Zening Petitions No. 87-44-A, 87-45-SpHA, 87-46-A and 87-47-A

As to these requests for variances, this office has no problem with the menu boards or directional signs; however, the proposed I.D. signs are much too large. This office is opposed not only to the excessive height but to the excessive size of these signs. Baltimore County's arterial roads has been blessed with a plethor; of signage. Additionally we fail to see the need for such height and size considering the proposed locations of the signs.

Date July 21, 1986

NEG: JGH: slm

87-43-SPHA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Petitioner Trace P. 11 Corp. Petitioner's Attorney

TACO BELL CORP. SIGNAGE 2317 E. Joppa Road

I pylon sign (refaced)

August 29, 1986

Yery truly yours.

Bruce J. O'Brien

District Manager

BJ0/scp

Enclosures

Bruse OBun

I am enclosing some guest cards which I hope you will use. While

in the store, please introduce yourself to Don.

69.00 sq. ft. I menu board (single-faced) 23.55 sq. ft.

1 pre-order menu board (single-faced)

2 directional signs (double-faced) 16.44 sq. ft. 132.54 sq. ft.

23.55 sq. ft.

Totals: 5 signs

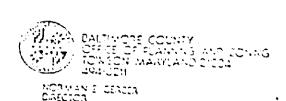
() If lubrication work and oil changes are performed at this location, the method providing for the elimination of waste oil must be in accordance with Water Resources Administration requirements.

SS 20 1082 (1)

Ian J. Forrest, Director BURFAU OF ENVIRONMENTAL SERVICES

Chairman, Zoning Plans

Advisory Committee



Mr. Arnold Jables Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Jablon:

cc: James Hoswell *

33 spaces

JULY 14, 1986

Re: Joning Advisory Meeting of JUNE 10, 1986

Item = 439
Property Owner: TACO BELL CORP.
LOCATION: SWIC JOPPA RD. + OLD
HAMPENRO ROAD.

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are

There are no site planning factors requiring comment.)A County Review Group Meeting is required.)A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.

()This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.

()A record plat will be required and must be recorded prior to issuance of a building permit.)The access is not satisfactory. The circulation on this site is not satisfictory.

The parking arrangement is not satisfictory.

Parking calculations must be shown on the plan.)This property contains soils which are defined as wetlands, and development on these soils is prohibited. ()Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-93 of the Development Regulations.

()Development of this site may constitute a potential conflict with the Baltimore County Haster Plan.

()The amended Development Plan was approved by the Planning Board (X) Landscaping: Must comply with daltimore County Landscape Manual. The property is located in a deficient service area as defined by Bill 173-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service Is

()The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 173-79, and as conditions change traffic copacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council. Additional comments:

AG PER SECTION V. A. B. OF THE BALTIMORE
COUNTY LANDSCAPE MANUAL - "IN COMMERCIAL
OFFICE AND INDSCAPE MANUAL - "IN COMMERCIAL
THE FLOOR AREA OF LESS THAN 50% SHAPL
REQUIRE THAT THE PORTION OF THE SITE IMPACTED

CONFORM TO THE STANDARDS OF THIS MANUAL "

PETITIONS FOR SPECIAL HEARING AND VARIANCES

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue,

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and

Petition for Special Hearing to remove Restriction No. 1 in Order,

dated 11/14/80, in Case No. 81-88-A and to amend the site plan to

132.54 square feet in lieu of the permitted 3 other business signs totaling 100 square feet and 27 parking spaces in lieu of the required

In the event that this Petition(s) is granted, a building permit may be issued

within the thirty (30) day appeal period. The Zoning Commissioner will, however,

entertain any request for a stay of the issuance of said permit during this period

for good cause shown. Such request must be received in writing by the date of the

BY ORDER OF

ARNOLD JABLON

ZONING COMMISSIONER

GF BALTIMORE COUNTY

Petition for Zoning Variances to permit 5 other business signs totaling

permit a "drive-thru" facility and an addition to the building

Southwest Corner of Joppa Road and Old Harford Road

9th Election District

Case No. 87-45-SPHA

(2317 East Joppa Road)

DATE AND TIME: Monday, August 13, 1985, at 10:45 a.m.

Regulations of Baltimore County, will hold a public hearing:

Towson, Maryland

Being the property of ____Taco Bell Corp.

hearing set above or made at the hearing.

plan filed with the Zoning Office.

Chief, Current Planning and Gevelopment

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500 PAUL H. REINCKE CHIEF Mr. Arnold Jablon Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson Maryland 21204

Item No.: 439

RE: Property Owner: Taco Bell Corporation

Location: SW/C Joppa Road and Old Harford Road Zoning Agenda: Meeting of 6/10/86

June 24, 1986

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and require! to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department. : () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

 \cdot (\mathbf{x}) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 19.6 edition prior

) 6. Site plans are approved, as drawn.

) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Oft Jour 11 Tolly 6 2456 Approved: Fire Prevention Bureau Planning Gyoup Special Inspection Division

DEPARTMENT OF PERMITS & LICENSES DEPARTMENT OF PERMITS & L TOWSON, MARYLAND 21204

TED ZALESKI, JR.

Mr. Arnols Jablon, Zoning Commissioner Office of Planning and Zoning Towson, Maryland 21204

Comments on Item # 439 Zoning Advisory Committee Meeting are as follows: Property Owner: Taco Bell Corporation

SW/C Joppa Road and Old Harford Road Districts

APPLICABLE ITEMS AND CONCERNS

All structures shall conform to the Saltimore County Suilding Code as adopted by Council Sill #17-85, the Maryland Code for the Handtrapped and Aged (A.H.E.I. #117-1 - 1980) and other applicable Codes and Standards.

(B) A building and other miscellaneous permits shall be required before the start of any construction.

C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced semis are not acceptable.

E. All Use Groups except R-4 Single Femily Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0 to an interior lot line. R-4 Use Groupe require a one hour wall if closer than 3'-0 to an interior lot line. Any wall built 20 an interior lot line small require a fire or party wall. See Table 441, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0 of an interior lot line. F. The structure does not appear to comply with Table 505 for permissable height/area. Reply to the requested variance by this office cannot be nonmidered until the necessary data pertaining to height/area and construction type is provided. See Table LOI and 505 and have your Architect/Engineer contact this department.

G. The requested variance appears to conflict with Section(s) ______ of the Beltisore

H. When filing for a required Change of Des/Cocupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable cometruction plane indicating how the esisting structure is to be altered in order to comply with 'he Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Des Groups are from Use to Cas , or to Mixed Dess.

I. The proposed project appears to be located in a Flood Plain, Tital/Nivering. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill e17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

J. Comments: It is assumed the existing building, handicapped ramps, signs, building access and useability complies with the State Handicapped Regulations. If not, any increase in building area automatically requires compliance by Section .05.01.07, Subsection .03 application; of the Code of Maryland Regulations. Handicapped parking requires a minimum of two spaces. For this layout only one of Flannish and Loning and are not intended to be construed as the full extent of any persit. It desired the applicant may obtain additional information by visiting Room 122 of the County of the building at 11. Shown. the applicant may obtain additional information by visiting Room 127 of the County office build of at 11. Shown.

W. Chesapeage Avenue, Toward, Maryland 712%.

Signs shall compiler with Amticle 10 as among

Signs shall comply with Article 19 as amended. Middle & wheenless

OFFICE OF PLANNING & ZONING TOWSON, MARYLAND 21204

ARNOLD JABLON ZONING COMMISSIONER JEAN M H JUNG DEPUTY ZONING COMMISSIONER

August 14, 1986

Stanley S. Fine, Esquire

RE: PETITION FOR ZONING VARIANCE SW/S of Wise Ave., 870' NW of Lynch Rd. (7815 Wise Ave.) 12th Election District Larry G. Hoover - Petitioner Case No. 87-44-A (A & P COSTS - \$65.75) PETITIONS FOR SPECIAL HEARING AND VARIANCES SW/cor. of Joppa Rd. and Old Harford Rd. (2317 E. Joppa Rd.) 9th Election District Taco Bell Corp. - Petitioner Case No. 87-45-SPHA (A & P COSTS - 5116.71) PETITION FOR ZONING VARIANCE SW/S of Reisterstown Rd., 700° SE of Chestnut

Stanley S. Fine, Inquire

Authed

August 14, 1986

Do not remove the signs from the property from the time they are placed by this office until the day of the hearing itself.

Please make the check payable to "Baltimore County, Maryland" and remit it to the Zoning Office, Room 113, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204, before the hearing.

Sincerely. Cloudd ARNOLD JABLON . Zoning Commissioner

BALITIMORE COUNTY DEPAREMENT OF TRAFFIC ENGINEERING COUNTY COURTS BUILDING, 4th FLOOR

TOWSON, MARYLAND 21204 SUBJECT: Taco Bell 23/1E. Jago Ri TO: Arnold cholon H 77-65-17 July #1439 LOCATION: Jospan Oll Hartie COUNCIL DISTRICT:

() under separate cover We are transmitting (herewith, the following information for the purpose checked.

DESCRIPTION ZONING OFFICE . SHEETS opposes satisfactory to the Dopt Stralle Sig.

The access to O. Harford RI has low closed to provide more stacking. NODITICUAL COMMENTS: () FOR YOUR APPROVAL OR COMMENTS (V APPROVED (Y FOR YOUR INFORMATION () APPROVED AS NOTED

() REVISE AND RETURN (AS REQUISITED

For further questions, please do not hesitate to contact Gray Jonal 27 July at 494-3554.

Very truly yours,

Stephen E. Collins

Director of Traffic Engineering

Mr. Richard R. Elgin

Mr. William Gerhardt

Hr. Hartono C. Cuba

Mr. Joseph Sullivan

2509 Cider Mill Rd., 21234

8821 Old Harford Kd., 21234

8823 Old Harford Rd., 21234

8825 Old harford Nd., 21234

Hr. Robert Ward, Vice Pres.

2408 Burridge Road, 21234

Woodcroft Civic Association

February 2, 1987

Stanley S. Fine, Esquire Kaplan, Heyman, Greenberg, Engleman & Belgrad, P.A. Sun Life Eldg., 10th Floor 20 S. Charles Street - -Baltimore, Maryland 21201

Mr. David D. Bock, Area Construction Manager Taco Bell Corporation 1940 Route 70 East, Suite 203 Cherry Hill, New Jersey 00003

Mr. John E. Sinnott, President Perring Fark Community Assoc. 2314 Harford Hills Road Baltimore, Maryland 21234

SEC/GMJ/bza

Greater Parkville C/C P.O. Box 28449 Baltimore, Maryland 21234

Phyllis Cole Friedman, Esquire, People's Counsel for Baltimore County RE: PETITIONS FOR SPECIAL REARING AND VARIANCES

SW/cor. of Joppa Road and Old Harrord Hoad (2317 E. Joppa Road) 9th Election District Taco Bell Corporation - Petitioner Case No. 8/-45-SPHA Appeal Filed: February 2, 1987 APPEAL FILED BY: Richard R. Elgin, Appellant/Protestant Perring Park Community Association

Dear Ms. Priedman and Centiquent

Flease be advised that on February 2, 1981, an appeal was filed by Signard R. Eigin, Appellant/Protestant, from the decision rendered by the builtnore County Coming Commissioner in the above-referenced case.

You will be notified of the date and time of the appeal hearing when it has been scheduled by the Baltimore County Board of Appeals (494-3183).

> Yery truly yours, illusted procon

ARNOLD JABLON

222 East Redwood Street Suite 300 Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

VALIDATION OR SIGNATURE OF CASHIER

SICNS AND POSTS RETURNED ON

R-01-615-000 DATE SIGNS & PUSTS TO BE ACCOUNT Stanley S. Fine, Laquire, 222 1. Redwood St. 44 RETURNED Suite 300. Baltimore, Md. 21202 ADVERTISING & POSTING COSTS RE CASE NOS. 87-44-A, OF BE ISSUED. 87-45-SPNA, 87-46-A, and 87-47-A B BCB3++++31043:a 3188F

Hill La. West (11720 Reisterstown Rd.) 4th Election District Taco Bell Corp. - Petitioner Case No. 87-46-A (A & P COSTS - \$65.37) PETITION FOR MODING WARTERSON, A The Ave. (7407 Belair Rd.) No. 021823 is due for advertising and saist be paid before an Order

Coming Commissioner

DATE: February 2, 1987 SUBJECT: PETITION FOR SPECIAL HEARING AND VARIANCE

SW/cor. of Joppa Road and Old Harford Road (2317 E. Joppa Road) 9th Election District Taco Bell Corporation - Petitioner Case No. 87-45-SPHA

> APPEAL FILED BY: Appellant/Protestant - Richard R. Elgin for the Perring Park Community Association

The following items are being transmitted in accordance with the appeal filed on the above-referenced case:

Petitions for Special Hearing and Zoning Variance

Description of Property Certificates of Posting

Certificates of Publication

Beltimore County Zoning Advisory Committee Comments

Director of Planning & Zoning Comments Entry of Appearance of People's Counsel for Baltimore County

8) Order of Zoning Commissioner 9) Notice of Appeal Filed on 2/02/87 by Appellant/Protestant -

Richard R. Elgin for the Perring Pr. k Comm. Assoc. 10) retitioner's Exhibits as follows:

Exhibit 1 - Site Plan Exhibits 2a thru 2k - Color Photos Exhibit 3a through 3c - Color Photos Exhibit 4 - Letter of support Exhibit 5 - Breakdown of square footage for Signs Exhibit 6 - Revised Site Plan

11) Letters from Protestants as follows:

Letter of Opposition from Elsic Cuba Letter of Opposition from T. W. Chenowith Letter of Opposition from Mr. & Mrs. Sullivan Two Letters of Opposition from various Citizens

PROCEEDINGS BEFORE THE ZONING COMMISSIONER

Buchheister, Jr., constituting the County Board of Appeals of Baltimore County,

and in answer to the Order for Appeal directed against them in this case, here-

of the following certified copies or original papers on file in the Zoning Office

August 18, 1986 at 10:45 a.m.

Committee -filed

with return the record of proceedings had in the above-entitled matter, consisting

And now come William T. Hackett, Thomas J. Bollinger, and Harry E.

Petitions of Taco Bell Corporation for a special hearing

No. 81-88-A to remove restriction #1 to allow a "drive-

to permit total sign square footage of 132.54 sq. ft.

in lieu of the allowed 100 sq. ft., to permit 5 other business signs in lieu of the allowed 3, and to permit

Order of the Zoning Commissioner directing advertisement

Comments of Baltimore County Director of Planning -filed

and posting of property - date of hearing set for

Comments of Baltimore County Zoning Plans Advisory

27 parking spaces in lieu of the allowed 33.

Certificate of Posting of property -filed

thru" facility and addition to building; and for variances

to approve amendment to site plan and Order in Case

AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

Mr. Richard A. Elgin, Appellant/Frotestant Perring Park Comm. Assoc. 2509 Cider Mill Rd., 21234

Mr. Robert Ward, Vice President Woodcroft Civic Assoc., 2408 Burridge Rd., 21234

Mr. William Gerhardt 8821 Old Harford Rd., 21234

IN THE MATTER OF

THE APPLICATION OF TACO BELL CORPORATION

FOR SPECIAL HEARING TO AMEND

EXISTING SITE PLAN & VARIANCES

ON PROPERTY LOCATED ON THE SW/

CORNER OF JOPFA ROAD AND OLD

HARFORD ROAD (2317 Joppa Road)

9th ELECTION DISTRICT

PLAINTIFF

6th COUNCILMANIC DISTRICT

TACO BELL CORP. -PETITIONER-

ZONING FILE NO. 87-45-SPHA

of Baltimore County:

No. 87-45-SPHA

June 30, 1986

June 30

July 7

July 21

July 23

TO THE HONORABLE, THE JUDGE OF SAID COURT:

Mr. John E. Sinnott, President Perring Park Community Assoc. 2314 Harford Hills Rd., 21234

Mr. Mariano Cuba 8823 Old Hargord Rd., 21234 Mr. Joseph Sullivan

8825 Old Harford Rd., 21234

CIRCUIT

COURT

FOR

BALTIMORE COUNTY

CG Doc. No. 44

Folio No. 281

File No. 87-CG-3411

- Taco Bell Corp., 1940 Route 70 East, Suite 203, Cherry Hill, HJ 08003 Peoples Counsel Request Notification: Norman E. Gerber James Hoswell

July 7

August 6

Greater Parkville C/C

P.O. Box 28449, Baltimore, Md. 21234

Stanley 3. Fine, Esquire, Attorney for Petitioner

Mr. David D. Bock, Area Construction Manager

Arnold Jablon Jean M. H. Jung James E. Dyer Margaret E. duBois, Docket Clerk

Sun Life Bldg., 10th Floor, 20 S. Charles Street, Baltimore, Md. 21201

Case No. 87-45-SPHA Taco Bell Corporation July 31, 1986 Certificate of Publication in newspaper -filed At 10:45 a.m., hearing held on petitions by Zoning August 18

Commissioner Order of the Zoning Commissioner GRANTING the Petition January 12, 1987 for Special Hearing to remove restriction #1 from Order in Case No. 81-88-A and to amend site plan to permit drive-thru; additionally, GRANTING variances to permit other business signs totaling 116.10 sq. ft. in lieu of permitted 100 sq. ft. and 27 parking spaces in lieu of the required 33 spaces, subject to restrictions Letter of Appeal to the C.B. of A. from Richard R. February 2

Elgin, William Gerhardt, Mariano C. Cuba, Joseph Sullivan, Perring Park C/A, Greater Parkville C/C, and Woodcroft C/A, Protestants

Hearing scheduled before the County Board of Appeals; July 1 Board convened hearing after 45-minute waiting period due to non-appearance of Petitioner or his Counsel

> Order of the Board of Appeals DISMISSING Petition. Order for Appeal to the Circuit Court for Baltimore

Balt.more County from Stanley S. Fine, Esquire, and Barry Weiskopf, Esquire, Counsel for Petitioner Petition to accompany Order for Appeal filed in the

August 18 · Circuit Court for Baltimore County Certificate of Notice sent to interested parties. August 7

September 4 Transcript of testimony filed. No exhibits presented before the County Board of Appeals

Record of Proceedings filed in the Circuit Court for September 4 Baltimore County

Record of proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court (no exhibits were entered into evidence before the Board).

Respectfully submitted,

Kaklund Elacacakammer Kathleen C. Weidenhammer County Board of Appeals of Baltimore County

IN THE MATTER OF BEFORE THE THE APPLICATION OF COUNTY BOARD OF APPEALS TACO BELL CORPORATION OF BALTIMORE COUNTY FOR PETITION FOR SPECIAL HEARING SW/COR JOPPA ROAD AND * Case No. 87-45-SPHA OLD HARFORD ROAD (2317 Joppa Road) * AND VARIANCE 9th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT * * * * * * * * PETITION FOR APPEAL FROM DECISION OF COUNTY

BOARD OF APPEALS FOR BALTIMORE COUNTY

The Petition for Appeal of Taco Bell Corporation, Appellant, by its attorneys, Stanley S. Fine, Barry Weiskopf and Kaplan, Heyman, Greenberg, Engelman & Belgrad, P.A., respectfully represents unto this Honorable Court as follows:

1. That your Appellant is the owner of the property known as 2317 Joppa Road located in Baltimore County, Maryland on which, your Appellant operates a Taco Bell fast food Mexican restaurant.

2. Your Petitioner applied for a special acceptance and variance to permit Appellant to construct on the property a drive-through window.

3. The Petition was filed in a timely manner; however, neither Appellant nor its undersigned counsel received notice of the date of the proceedings as required under Rule 2A of the Rules of Practice and Procedure of the County Board of Appeals.

4. The Order entered by the County Board of Appeals in this matter is without prejudice.

* IN THE

* FCR

above-captioned matter hereby stipulate to the dismissal of this action

pursuant to Maryland Rule 2-506(a), with prejudice.

STIPULATION OF DISMISSAL

The undersigned counsel for Petitioner and Respondent in the

301/539-6967

* CIRCUIT COURT

* BALTIMORE COUNTY

* Case No. 87-CG-3411

5. The failure by the County Board of Appeals to properly notify Petitioner or its counsel amounts to such mistake or irregularity as to justify this Court in reversing the decision of the County Board of Appeals and remanding this case for further proceedings.

WHEREFORE, your Appellant prays:

A. That this Court reverse the decision of the County Board of Appeals for Baltimore County in Case No. 87-45-SPHA and remand the case for further proceedings, including a proper hearing.

3. That the Appellant be granted such other and further relief as the nature of its cause may require.

KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELGRAD, P.A. 10th Floor - Sun Life Building 20 South Charles Street Baltimore, Maryland 21201 301/539-6967

Attorneys for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of August, 1987, a copy of the foregoing Petition for Appeal from the Decision of the County Board of Appeals for Baltimore County was mailed by first class mail, post prepaid to the County Board of Appeals for Baltimore County, Room 200, Court House, Towson, Maryland 21204.

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING TOWSON MARYLAND 21204

> ARNOLD JADLON ZONING COMMISSIONER

FAN M H BING DEPUTY ZONING COMMISSIONER

Stanley S. Fine, Esquire

Mr. David D. Bock, Area Construction Manager Taco Fell Corporation 1940 Route 70 East, Suite 203

. 31 - Harford Hills Road Baltimore, Maryland 1834

Suplan Styman, Beenhay, Engelmon & Belgrath P. A. KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELGRAD, P.A. 10th Floor - Sun Life Building 20 S. Charles Street Baltimore, Maryland 21201

Attorneys for Taco Bell Corporation

startly Commission PETER MAX ZIMMERMAN Room 223, Courthouse Temson, Maryland 21234

Leputy Peoples Counsel

Fetruary 2, 1987

Kaplan, Heyman, Greenberg, Engleman & Belgrad, P.A. Sun life bldg. . loth Floor 10 0. Charles Street Faltimore, Maryland 21231

Cherry Hill, New Jersey 08003

Mr. John E. Sinnett, Fresident Territy Park Community Assoc. Creater Farkville C.C.

malitim no. Manyland (1997) Tryllis Cole releamm, Esquire. leople's Counsel for baltimore County

Para Box (1844)

Mr. William Jernardt SSOL Old Harford Rd., 21234 Mr. Mariano J. Jura 8823 Cld Harford 83., 21234 Mr. Joseph Sullivan 880% Old Hartord 83., 21234 Mr. Betert ward, Vice Fres. Wooderett Civic Association

Mr. Bichard F. Elgin

2504 Cider Mill Hd., 21234

Cald Burridge Houd, 210%. FEE RETITIONS FOR CHECIAL HEARING AND VARIANCES OW core of Coppa Boad and Old Harford Boad ACRES F. Jospa Boad) Ath Election District

Taco Bell Comparation - Petitioner Jace N . 5 -4 - 1134 Spinal Filet: Bein. my . . 19

ran Marian Standard Company (1984) And Company (1984) ording the <u>Court</u>er of the second

uniat May Ettledman and Gebrien his

Floade te advised that on February 2. 105% on ageal was filed by Signard B. Sign. Appellant in test est, from the decision rendered by the baltimorre County Conting Commissioner in the above-reference disage.

Yes will be notified of the fate and time of the appeal rearing when it that been acheduled by the baltimore County bound of Appeals to re-sist.

> Tery truly years, Misted kolin

ARM CO CAR 🖍 🖰

IN THE MATTER OF

THE APPLICATION OF

TACO BELL CORPORATION

FOR SPECIAL HEARING

Commission ner

BEFORE THE IN THE MATTER OF COUNTY BOARD OF APPEALS ITHE APPLICATION OF OF BALTIMORE COUNTY TACO BELL CORPORATION FOR PETITION FOR SPECIAL HEARING * Case No. 87-45-SPHA SW/COR JOPPA ROAD AND OLD HARFORD ROAD (2317 Joppa Rd) AND VARIANCE 9th ELECTION DISTRICT | 6th COUNCILMANIC DISTRICT

ORDER FOR APPEAL BY TACO BELL CORPORATION

Madam Clerk:

Please enter an appeal on behalf of Taco Bell Corporation, Petitioner, from the Order of the County Board of Appeals of Baltimore County, passed in the above case on July 7, 1987.

STANLEY S. FINE

BARRY WEISKOPF Nother Answer Greenkers Ennelman & Robert, P. A.

KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELGRAD, P.A. Tenth Floor - Sun Life Building 20 South Charles Street Baltimore, Maryland 21201 301/539-6967

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this (the day of August, 1987, a copy of the foregoing Order for Appeal was hand-delivered to the County Board of

Form CA4

Jobi Adams — 494-2660

Appeals of Baltimore County, Room 200, Court House, Towson, Maryland 21204, prior to the filing of this Order of Appeal.

Kathy Rushton — 494-2660

Assignment — Jury — Motions

Marcia Fennell

Assistant Clerk Typist

2/9/87 - Following notified of hearing set for Wednesday, July 1, 1987, at 10 a.m.;

Richard Elgin Robt. Ward Wm. Gerhardt John Sinnott Mariano Cuba Jos. Sullivan Greater Parkville Stanley Fine, Esq. David Bock People's Counsel Norman Gerber, J. Hoswell A. Jablon, J. Jung, J. Dyer, M. duBois

Civil Assignment Commissioner Settlement Court COUNTY COURTS BUILDING 401 Bosley Avenue Maria Ercolano — 494-2662 Irene Summers - 494-2661 P.O. Box 6754 Assignment - Non-Jury - Motions Masters Assignment Clerk Medical Records Towson, Maryland, 21204-0754 Freddie Grove Assistant Clerk Typist September 25, 1987. TO: Stanley S. Fine, Esq. Barry Weiskopf, Esq. Thomas J. Bollinger, Esq. County Board of Appeals NON JURY - 87CG 3411 - TACO EELL CORP. FOR THE PETITION FOR SPECIAL HEARING Wednesday, December 9, 1987, @ 9:30 a.m. HEARING DATE: Appeal: 1 hour ON THE FOLLOWING: Please see the below notations. UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other instructiately to conform calendars Claim of not receiving notice will not Сопышие теамон тог рамиролестине. If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. <u>POSTPONEMENTS PRIOR TO 15 DAYS OF TRIAL</u> should be directed to the attention of Jobi Adams. <u>POSTPONEMENTS WITHIN 15 DAYS OF TRIAL</u> must be made to the attention of the Director of Central Assignments – Joyce Grimin – 494-3497.

SETTLEMENTS: If a settlement if reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put

on the record if no order of satisfaction is filed prior to trial.

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE

Form CA4 CIRCUIT COURT FOR BALTIMORE COUNTY Jobi Adams — 494-2660 Cryl Assignment Commissioner Settlement Court Maria Ercolano — 494-2662

. ASSIGNMENT OFFICE **COUNTY COURTS BUILDING** 401 Bosley Avenue P.O. Box 6754

Towson, Maryland, 21204-0754 September 23, 1987.

Kathy Rushton — 494-2660 Assignment -- Jury -- Motions Marcia Fennell Assistant Clerk Typist

Irene Summers - 494-2661 Assignment -- Non-Jury -- Motions Freddie Grove **Assertant Clerk Typist**

NOW JURY - 8700 3411 - TACO BELL COMP. FOR THE PETITION FOR SPECIAL HEARING

HEARING DATE:

Vednesday, December 9, 1987, 2 9:50 m.m.

ON THE FOLLOWING

Appeal: 1 hour

Please see the below notations

THON RICHPLOS THIS NOTICE. Consect of all years to take other constructs to confirm calciums Clear of not according to law will not constante reason for pestista men-

If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. <u>POSTPONEMENTS PRIOR TO 15 DAYS OF TRIAL</u> should be directed to the artention of Jobi Adams. <u>POSTPONEMENTS WITHIN 15 DAYS OF TRIAL</u> must be made to the attention of the Director of Central Assignments - Joyce Grunn - 494 3497.

SETTLEMENTS: If a settlement if reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record it no order of satisfaction is filed prior to trial.

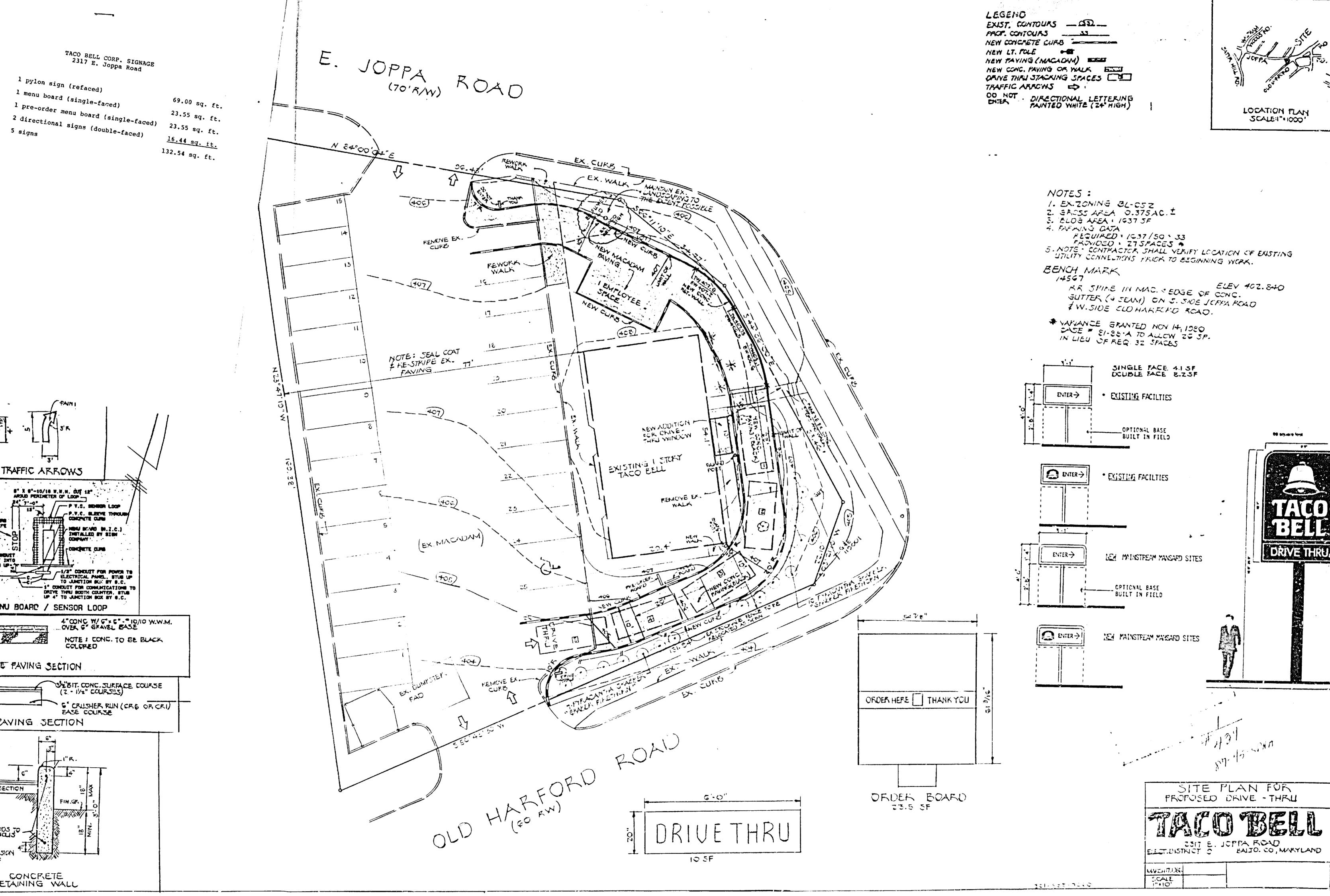
Masters Assignment Clerk Medical Records

10

Stanley S. Fine, Emq. Barry Weiskopf, Esq.

Thomas J. Bollinger, Esq.

County Board of Appeals



l pylon sign (refaced)

Totals: 5 signs

PAINTED TRAFFIC ARROWS

8" X 8"-10/18 M.M.M. OUT 12" AROUD PERIMETER OF LOOP ...

MENU BOARD / SENSOR LOOP

CONCRETE PAVING SECTION

PAMMS SECTION

Z.NO.4 RODS TO -

Provide expansion of '05 of Striol

PAVING SECTION

CONCRETE RETAINING WALL

/-- P Y.S. SEMER LOOP

-1/2" COMMIT FOR POWER TO ELECTRICAL PANEL. STUB UP TO JUNCTION BOX BY S.C.

1" COMMITTED COMMITTED TO DRIVE THRU BOOTH COUNTER. STUB UP 4" TO JUNCTION BOX BY S.C.

CONCRETE CURE THROUGH

l menu board (single-faced)

The undersigned, legal owner(s) of the property situate in Ealtimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve An amendment to the site plan and Order in Case No. 81-88-A to remove restriction #1 to allow a "drive thru" facility and an addition to the building.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

> I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

439

| | | MAP NE |
|---|-----------------------------------|--------------------|
| Contract Purchaser: | Legal Owner(s): | NAP <u>NE</u> |
| | Taco Bell Corp. | 1 -3 |
| (Type or Print Name) | (Pype or Print Name) | |
| | (June Drant | DATE <u>9/</u> |
| Signature | Signature | |
| | David D. Bock, Area Cons | struction Nanager |
| Address | (Type or Print Name) | |
| | | DP |
| City and State | Signature | N·36, |
| Attorney for Petitioner: | 1940 Route 70 East | E-22, |
| Stanley S. Fine, P.A. | | 9) 424-7200 |
| / (Type or Print Name) | Address | Phone No. |
| Stanley & . Hine | Cherry Hill, New Jersey | 08003 |
| Signature | City and State | |
| 222 E. Redwood Street, Suite 300 | Name, address and phone number | of local owner con |
| Address Baltimore, Md. 21202 | tract purchaser or representative | to be contacted |
| *************************************** | Taco Bell Corp. | |
| City and State | Name | |
| 752-6597 Attorney's Telephone No.: | Same as above | |
| • | Address | Phone No. |
| | | |

of _____Iune____, 19_86_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the ___12th____ day of __August____, 19_86_, at _10:45 o'clock

ORDERED By The Zoring Commissioner of Baltimore County, this ____30th____ day

2. whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxacion than that applied for would give substantial relief;

whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if variances were granted, such use would not be contrary to the spirit of the BCZR and would not result in

substantial detriment to the public good. After due consideration of the testimony and evidence presented, it is

clear that a practical difficulty or unreasonable hardship would result if variances were not granted. It has been established that the requirement from which the Petitioner seeks relief would unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, variances will not be detrimental to the public health, safety,

Pursuant to the advertisement, posting of the property, and public hearand general welfare. ing on this Petition held, and for the reasons given above, the amendment

Therefore, IT IS ORDERED by the Zoning Commissioner of Baltimore County, and variances should be granted. this _______ January, 1987, that the amendment to Case No. 81-88-A to remove Restriction 1 and to amend the site plan therein to allow a drive-thru, as shown on Petitioner's Exhibit 6, be approved and, as such, the Petition for Special Hearing is hereby GRANTED and, additionally, variances to permit other business signs totaling 116.10 square feet in lieu of the permitted 100 square feet and 27 parking spaces in lieu of the required 33 spaces be and is hereby GRANTED, from and after the date of this Order, subject, however, to the IN RE: PETITION SPECIAL HEARING AND * ZONING VARIANCES SW/corner of Joppa Road and Old Harford Road (2317 East Joppa Road) - 9th Election

District

ZONING COMMISSIONER

OF BALTIMORE COUNTY Case No. 87-45-SPHA

Taco Bell Corporation,

Petitioner

* * * * * * * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein seeks to amend the site plan approved in Case No. 81-88-A by removing Restriction 1, which prohibits a "drive-thru" facility, and by allowing an addition to the existing building and, additionally, variances to permit five other business signs totaling 132.54 square feet in lieu of the permitted three signs totaling 100 square feet and 27 parking parking spaces in lieu of the required 33 spaces, as more particularly described on Petitioner's Exhibit 1.

The Petitioner, by David Bock, Area Construction Manager, appeared and testified and was represented by Counsel. Bruce O'Brien, District Manager, also testified on behalf of the Petitioner. Robert Holt, Director of the Woodcroft Civic Association, and Richard Elgin of the Perring Park Community Association appeared in opposition.

Testimony indicated that the subject property, located at the corner of East Joppa Road, Old Harford Road, and Bedlington Drive and zoned B.L., was granted a parking variance to permit 26 parking spaces in lieu of the required 32 spaces, with a restriction prohibiting a "drive in" facility, in Case No. 81-88-A. The language contained in the restriction appears not to be as clear as it could have been, and the Petitioner questions its applicability to its current proposal to add a "drive-in" facility.

The restaurant presently has 30 seats and 26 parking spaces, and the Petitioner wishes to add a drive-thru lane and pre-order board and to place a bubble over the order window. Five stacking spaces will be provided. The signage requested is for a menu board, pre-order board, free-standing identification (ID) sign on Joppa Road, and two directional signs with the Petitioner's emblem embossed thereon.

Mr. O'Brien testified that the drive-thru was now necessary in order for the Petitioner to remain competitive with other fast-food restaurants. The drive-thru will not, in his opinion, increase traffic but will draw from already existing traffic. It will enable the Petitioner to increase its business by 10 to 15% by attracting the impulse buyer. Presently, 40 to 45% of the Petitioner's business is carry-out, which requires those customers to park their vehicles, enter the building to order, receive the order, and return to the vehicles to leave. The drive-thru will enable a great percentage of these customers to literally drive—through without leaving their vehicles, thereby improving the parking conditions on the site. The addition of the drive-thru would mandate only one more parking space.

Mr. Elgin and Mr. Holt are opposed. They believe the restriction should remain and believe that the five stacking spaces are insufficient.

The Petitioner seeks to amend Case No. 81-88-A pursuant to Section 500.7 and relief from Sections 413.2.f and 409.2.b.(3), pursuant to Section 307, Baltimore County Zoning Regulations (BCZR).

There is no question that the addition of the drive-thru is necessary to enable the Petitioner to remain competitive with similar fast-fool restaurants in the area. It has become the standard in this particularly competitive market. Certainly, the existing parking situation will improve with the

- 2 -

addition of the drive-thru in that less patrens will park their vehicles and more will simply drive through, pick up their orders, and leave the site.

There was a concern, however, about the provision of only five stacking spaces. The Petitioner, at the Zoning Commissioner's direction, submitted a revised site plan to the Department of Traffic Engineering, dated December 19, 1986 and identified as Petitioner's Exhibit 6, which closed off access to and from Old Harford Road and which has enabled the Petitioner to provide more stacking, i.e., eight spaces. This plan is acceptable to the Department of Traffic Engineering.

As for the signage, directional signs without advertising are permitted not exceeding 15 square feet, counting both sides, are permitted. The Petitioner proposes, however, to add its logo, which would thereby transform a simple directional sign to a business sign. The total request for signage, including the transformed directional signs, is for 132.54 square feet in lieu of the permitted 100 square feet. The addition of two such signs and a pre-order board to the already existing ID sign and menu board would require a variance to permit five other business signs in lieu of the allowed three signs. The latter will be denied, and the former will be reduced to 116.10 square feet by not permitting the Petitioner to place its logo on the directional signs. Directional signs are not limited to number, only to size, and the size requested here falls well within the legally prescribed limits.

An area variance may be granted where strict application of the zoning regulation would cause practical difficulty to the petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for

> 1. whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:

following restrictions which are conditions precedent to the relief granted herein:

- 1. The Petitioner may apply for its building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the applicable appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said preparty to its original condition.
- 2. The revised site plan, dated December 19, 1986 and identified as Petitioner's Exhibit 6, shall be incorporated herein as the final approved plan.
- 3. The Petitioner shall be subject to Section 413.4, BCZR, regarding temporary signs, and any violation thereof shall cause the relief grantel herein to be revoked.

AJ/srl

cc: Stanley S. Fine, Esquire

Mr. Robert Holt Mr. Richard Elgin People's Counsel

IN THE MATTER OF THE APPLICATION OF TACO BELL CORPORATION FOR FETITION FOR SPECIAL HEARING SW/COR JOPPA ROAD AND OLD HALFORD ROAD (2317 JOFFA RD) AND VARIANCE 9th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT

REFORE COUNTY BOARD OF AFPEALS BALTIMORE COUNTY

CASE NO. 87-45-SPHA

OPINION

This case comes before this Board on appeal from a decision of the Zening Commissioner granting the Petition for Special Hearing.

The Board convened this Learning after a 40-minute waiting periot for the non-appearance of the Petitioner or his Counsel. Telephone a swermations with Councel for the Petitioner (Stanley Fine, Enquire) resulted in his claim that he had no notice of today's hearing and because of health problems would be unable to attend. The Board's file indicates a New Jersey address for the Fetitioner, but the file also indicates that notice was afforded to all parties of the time and hearing date. Mr. Bichard Elgin, Appellant/Instectant. under oath on the stand testified that he was prevent in Mr. Fine's effice when Mr. Fine was advised of the hearing date.

On the basis of these circumstances, the board is of the opinion that the letition for Special Bearing is dishe distinct without probable and | will be enter.

UKEFA

It is therefore this 1/2 day of 2019, 1987 by the county Found of Appeals of Faltimere County ONDERSD that the Fetition for Special

Taco Pell Corporation Case No. 87-45-SPHA

Hearing in Case No. 87-45-SPHA be and the same is DISMISSED.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

> COUNTY BOARD OF APPEALS OF PALTIMORE COUNTY

Z.C.O.-No. 1

- 5 **-**

an area variance, the petitioner must meet the following:

- 3 -

IN THE MATTER OF THE APPLICATION OF TACO BELL CORPORATION FOR FOR PETITION FOR SPECIAL HEARING SW/COR JOPPA ROAD AND BALTIMORE COUNTY OLD HARFORD ROAD (2317 JOPPA ROAD) AND VARIANCE AT LAW 9th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT Cứ Doc. No. 44 Folio No. ____281 File No. 87-CG-3411

CERTIFICATE OF NOTICE

Mr. Clerk:

Pursuant to the provisions of Rule B-2(d) of the Maryland Rules of Procedure, William T. Hackett, Thomas J. Bollinger, and Harry E. Buchheister, Jr. constituting the County Board of Appeals of Baltimore County, have given notice by mail of the filing of the appeal to the representative of every party to the proceeding before it; namely, Stanley S. Fine, Esquire, and Barry Weiskopf, Esquire, Kaplan, Heyman, Greenberg, Engelman & Belgrad, P.A., Tenth Floor, Sun Life Building, 20 S. Charles Street, Baltimore, MD 21201, Counsel for Petitioner; David D. Bock, Area Construction Manager, Taco Bell Corporation, 1940 Route 70 East, Suite 203, Cherry Hill, NJ 08003, Petitioner; Greater Parkville C/C, P.O. Box 28449, Baltimore, MD 21234, Protestants; Mr. Richard R. Elgin, Perring Park Community Assoc., 2509 Cider Mill Road, Baltimore, MD 21234, Protestant; Mr. Robert Ward, Woodcroft Civic Association, 2408 Burridge Road, Baltimore, MD 21234, Protestant; Mr. William Gerhardt, 8821 Old Harford Road, Baltimore, MD 21234, Protestant; Mr. John E. Sinnott, Perring Park Community Association, 2314 Harford Hills Road, Baltimore, MD 21234, Protestant; Mr. Mariano Cuba, 8923 Old Harford Road, Baltimore, MD 21234, Protestant; Mr. Joseph Sullivan, 8825 Old Harford Road, Baltimore, MD 21234, Protestant; and Phyllis Cole Friedman, Esquire, Room 223, Courthouse, Towson, MD 21204, People's Counsel

COLUMBIA OFFICE WALTER PARK Registered Surveyor PHONE 730-9060

TOWSON OFFICE HUDKINS ASSOCIATES, INC. · Engineers, Surveyors and Landscape Architects 200 EAST JOPPA ROAD ROOM 101, SHELL BUILDING TOWSON, MARYLAND 21204 PHONE: 828-9060

May 27, 1986

L. GERALD WOLFF Landscape Architect PHONE 838-0888

BEL AIR OFFICE

DESCRIPTION FOR ZONING VARIANCE - 2317 E. JOPPA ROAD:

Beginning for the same at the point formed by the intersection of the south side of East Joppa Road (70 feet wide) with the west side of Old Harford Road (60 feet wide) thence (1) South 66 degrees 11 minutes 10 seconds East 34.77 feet (2) South 44 degrees 06 minutes 00 seconds East 63.46 feet (3) South 03 degrees 21 minutes 10 seconds West 22.10 feet (4) South 50 degrees 48 minutes 30 seconds West 131.94 feet (5) North 23 degrees 47 minutes 19 seconds West 169.38 feet and (6) North 84 degrees 00 minutes 04 seconds East 96.43 feet to the place of beginning.

> Malcolm E. Hudkins Registered Surveyor #5095

Case No. 87-45-SPHA Taco Bell Corporation

for Baltimore County, a copy of which Notice is attached hereto and prayed that it may be made a part thereof.

I HEREBY CERTIFY that a copy of the aforegoing Certificate of Notice has been mailed to Stanley S. Fine, Esquire, and Barry Weiskopf, Esquire, Kaplan, Heyman, Greenberg, Engelman & Belgrad, P.A., Tenth Floor, Sun Life Building, 20 S. Charles Street, Baltimore, MD 21201, Counsel for Petitioner; Mr. David D. Bock, Area Construction Manager, Taco Bell Corporation, 1940 Route 70 East, Suite 203, Cherry Hill, NJ 08003, Petitioner; Greater Parkville C/C, P.O. Box 28449, Baltimore, MD 21234, Protestant; Mr. Richard R. Elgin, Perring Park Community Assoc., 2509 Cider Mill Road, Baltimore, MD 21234, Protestant; Mr. Robert Ward, Woodcroft Civic Association, 2408 Burridge Road, Baltimore, MD 21234, Protestant; Mr. William Gerhardt, 8821 Old Harford Road, Baltimore, MD 21234, Protestant; Mr. John E. Sinnott, Perring Park Community Association, 2314 Harford Hills Road, Baltimore, MD 21234, Protestant; Mr. Mariano Cuba, 8823 Old Harford Road, Baltimore, MD 21234, Protestant; Mr. Joseph Sullivan, 8825 Old Harford Road, Baltimore, MD 21234, Protestant; and Phyllis Cole Friedman, Esquire, Room 223, Courthouse, Towson, MD 21204, People's Counsel for Baltimore County, on this 7th day of August , 1987.

RE: PETITION FOR SPECIAL HEARING : BEFORE THE ZONING COMMISSICATE

* * * * * * * *

ENTRY OF APPEARANCE

above-captioned matter. Notices should be sent of any hearing dates or

Phyllis Cole Friedman

Peter Max Zirmerman Deputy People's Counsel Room 223, Court House Towson, MD 21204

of the foregoing Entry of Appearance was railed to Stanley S. Fine, P.A.,

Peter Max Zirmerman

222 E. Redwood St., Suite 300, Baltimore, MD 21202, Attorney for Petitioner.

I HIRIBY CERTIFY that on this 25th day of July, 1986, a copy

other proceedings in this matter and of the passage of any preliminary

Please enter the appearance of the People's Counsel in the

Phyllic Cole Fredman

Leter May Commence

eles Max Carrier

People's Counsel for Baltimore County

TACO BELL CORP., Petitioner : Case No. 87-45-SPHA

OF BALTIMORE COUNTY

SW/Corner of Joppa Rd. & Old :

Harford Rd. (2317 E. Joppa Rd.)

9th District

or final Order.

County Board of Appeals of Baltimore County Room 200, Courthouse, Towson, MD 21204

> Petitioner: Taca Rall Care Location of property: 3 Hologe Jane Rid of Martinia All Location of Signa: 2 Facing Secret For open 10 fr. years way to beginning

County Board of Appeals of Baltimore County

Zala sa ya saya sa kasa sa sa sa sa sa

Stanley S. Fine, Esquire 222 East Redwood Street Suite 300 Baltimore, Maryland 21202

*Greater Parkville C/C

Peoples Counsel

P.O. Box 28449, Baltimore, Md. 21234

Request Notification: Norman E. Gerber

Stanley S. Fine, Esquire, Attorney for Petitioner

James Hoswell Arnold Jablon

James E. Dyer

Jean M. H. Jung

Mr. David D. Bock, Area Construction Manager

Sun Life Bldg., 10th Floor, 20 S. Charles Street, Baltimore, Md. 21201

Taco Bell Corp., 1940 Route 70 East, Suite 203, Cherry Hill, NJ 08003

Margaret E. duBois, Docket Clerk

CERTIFICATE OF POSTING

Posted for: Secretal Years & Voriones

2317 F Jugar Rd.

old Horard Rel on property it to blower

Remarks:

ZONING DEPARTMENT OF BALTIMORE COUNTY 97 115 - SPAR

Date of Posting

July 7, 1986

Date of return. 7/1/3/

NOTICE OF HEARING RE: PETITIONS FOR SPECIAL HEARING AND VARIANCES

SW/cor. of Joppa Rd. and Old Harford Rd. (2317 East Joppa Rd.) 9th Election District Taco Bell Corp. - Petitioner Case No. 87-45-SPIIA

TIME: 10:45 a.m. DATE: ____ Monday, August 18, 1986 PLACE: Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland

> oning Conumbiasioner of Baltimore County

> > all seet

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

Board of Appeals

DATE: February 2, 1987

Office of Zoning

SUPJECT: PETITION FOR SPE LAU HEARING AND VARIANCE SW/cor. of Joppa Road and Old Harford Road (2317 E. Joppa Road) 9th Election District Taco Bell Corporation - Petitioner Case No. 87-45-SPHA

> APPEAL FILED BY: Appellant/Protestant - Richard R. Elgin for the Perring Park Community Association

The following items are being transmitted in accordance with the appeal filed on the above-referenced case:

- 1) Petitions for Special Hearing and Zoning Variance
- 2) Description of Property 3) Certificates of Posting
- 4) Certificates of Publication
- 5) Baltimore County Zoning Advisory Committee Comments 6) Director of Planning & Zoning Comments
- 7) Entry of Appearance of People's Counsel for Baltimore County
- 8) Order of Zoning Commissioner
- 9) Notice of Appeal Filed on 2/02/87 by Appellant/Protestant -
- Richard R. Elgin for the Perring Park Comm. Assoc. 10) Petitioner's Exhibits as follows:

Exhibit 1 - Site Plan Exhibits 2a thru 2k - Color Photos Exhibit 3a through 3c - Color Photos

Exhibit 4 - Letter of support Exhibit 5 - Breakdown of square footage for Signs Exhibit 6 - Pevised Site Plan

11) Letters from Protestants as follows:

Letter of Opposition from Eigle Cuta Letter of Opposition from T. W. Chenowith Letter of Opposition from Mr. & Mrs. Sullivan Two Letters of Opposition from various Citizens

★Mr. Richard R. Elgin, Appellant/Protestant Perring Park Comm. Assoc. 2509 Cider Mill Rt., 21234

Mr. Robert Ward, Vice President

*Westeroft Civic Asacc., 2403 Burridge Rd., 21234

¥Mr. WIlliam Gerbardt

001 01: Herrord 8:.. 21234

*Perring Park Community Assoc. 2314 Hariori Hills Rd., 21234 ∦rMr. Mariano Cuba

Mr. John E. Sinnott, President

8823 Cld Harford Fi., 21234

∦-Mr. Joseph Sullivan 8835 Sid Harford Hd., 21234

BALTIMORE COUNTY, MAPYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

No. 29911

FFB 2 1987

VALIDATION OR SIGNATURE OF CASHIST

Coming Commissioner Faltimore Sounty Office Elig. Meltimore, Mis 21204

In whom it my concerns

The following bultimore County residence and community Associations wish to enter an AFPSAL to the bultimore Jointy Board of Appeal resumming Fr. Arnold Jation, Toping to a first the position of case of the city of the first of the city of

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The state of the second Control of the control Baltimare, No. 18 18 a since Tillia

initimers, Mis 21 m

VALIDATION OR SIGNATURE OF CASHIER

TACO BELL COPP. SIGNAGE 2317 E. Joppa Road

69.00 sq. ft. l pylon sign (refaced) 23.55 sq. ft. 1 menu board (single-faced) 1 pre-order menu board (single-faced) 23.55 sq. ft. 2 directional signs (double-faced) 16.44 sq. ft.

132.54 sq. ft.

Totals: 5 signs

A CONTRACTOR OF THE SECOND



County Woard of Appeals of Baltimore County

Room 200 Court House Toluson, Maryland 21204 (301) 494-3180

August 17, 1987

Barry Weiskopf, Esquire Tenth Floor -Sun Life Building 20 South Charles Street Baltimore, MD 21201

RE: Case No. 87-45-SPHA Taco Bell Corporation

Dear Mr. Weiskopf:

The Board has considered your Motion to Revise the Order of this Board dated July 7, 1987, and will deny this Motion.

The Board had before it sworn testimony that the hearing and the date were discussed at a meeting attended by Petitioner's Counsel and that notice of the hearing date was sent not only to Petitioner's Counsel but to the Petitioner personally. An effort. was made on the day of the hearing to have Petitioner represented and this was not accomplished.

The Board can therefore find no justification for revising its decision in this matter and your Motion to Revise Order is hereby

Very truly yours,

William T. Harbell William T. Hackett, Chairman County Board of Appeals

cc: Stanley S. Fine, Esquire

August 29, 1986 Page 2

tom and

I am enclosing some guest cards which I hope you will use. While in the store, please introduce yourself to Don.

Yery truly yours, BrugoBrin Bruce J. O'Brien District Manager BJO/scp

SPECIAL HEARING

AND VARIANCES
9th Election District
Case No. 87-45-SPHA

LOCATION: Southwest Corner of Joppe Road and Old Harford Road

(2317 East Joppe Road)
DATE AND TIME: Monday, August

18, 1986, at 10:45 a.m. PUBLIC HEARING: Room 106,

County Office Building, 111 W. Chesapeake Avenue, Towson,

The Zoning Commissioner of Balti-more County, by authority of the Zon-ing Act and Regulations of Baltimore

County, will hold a public hearing:
Petition for Special Hearing to remove Restriction No. 1 in Order, dated
11/14/80, in the Case No. 81-88-A and

the building
Petition for Zoning Variances to per-

retition for Zoning variances to permit 5 other business signs totaling 132.54 square feet in lieu of the permitted 3 other business signs totaling 100 square feet and 27 parking spaces in lieu of the required 33 spaces.

Being the property of Taco Bell Corp., as shown on plat plan filed with

the Poning Office.

In the event that this Petition(s) is

granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit

during this period for good cause shown. Such request must be received

in writing by the date of the hearing set above or made at the hearing.

By Order Of ARNOLD JABLON

Zoning Commissioner of Baltimore County

7/310 July 31.

Enclosures

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 31 , 19 86 THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper printed and published in Towson, Baitimore County, Md., appearing on July 31

Susan Senders Obrect

Cost of Advertising

30.25



County Board of Appeals of Haltimore County Room 200 Court House Cotuson, Maryland 21204 (301) 494-3180

March 30, 1988

Mr. Richard Elgin 2509 Cider Mill Road Baltimore, MD 21234

> RE: Case No. 87-45-SHHA Taco Bell Corporation

Dear Mr. Elgin:

As promised, enclosed is a copy of the Stipulation of Dismissal which was forwarded to the Circuit Court for Haltimore County on October 16, 1967, to dismiss the appeal taken to the Circuit Court by Taco Bell Corporation.

Administrative Secretary

En Tearpre



Baltimore Washington Area Taco Bell Corp 10 Pigeon Hill Drive, #50 Sterling Virginia 22170 Telephone 703 450 2377

August 29, 1986

Ms. Virginia Schreil 8814 Ashford Road Baltimore, Maryland 21234

Dear Ms. Schreil:

First, please let me apologize if I have mispelled your name. I am reading from a rather faint copy of the petition you have filed concerning our application for a zoning variance for our location at 2317 East Joppa Road.

As the District Manager whose area of responsibility includes the Joppa Road location, I found the issues you have raised to be very disturbing. It is Taco Bell's policy to be a good corporate neighbor wherever we do business. This, after all, is only good upon your comments, we have not been entirely successful in fulfilling that obligation.

I have had a lengthy conversation with unit manager. Don Schaffer. (who is fairly new to this restaurant) concerning our responsibilities (who is fairly new to this restaurant) concerning our responsibilities to you, our neighbors. Don will be responsible for insuring that we keep the surrounding residences free of litter (whether it be Taco Bell litter or not). Night managers have been instructed to make regular checks of the parking area to control loitering, noise levels, etc., and to call the police if necessary. Before long, I hope, word will spread that Taco Bell is not the place to "hang out." We have contacted our trash hauler, who has promised to reroute his truck so that trash will not be picked up before 7:00 a.m. I am also doing some research on late night sales at this unit. It is also doing some research on late night sales at this unit. It is possible that, if we are successful in opening a drive thru, we can close the dining room earlier. Experience at other stores indicates that this would reduce the loitering problem.

As you know, we will be making a presentation of our plans to the community on September 10, 1986, to which a representative of the Old Harford Road/Ashford Road residents has been invited. I hope this meeting will allow us to fully understand each other.

If you find that we are not measuring up to the commitments made in this letter, or if there are other problems, please call Don Schaffer at 668-5882, so that we can pinpoint responsibility and take corrective action. Don is normally in the restaurant on Tuesday through Saturday.





Baltimore County, Maryland

PEOPLE'S COUNSEL RM. 223, COURT HOUSE TOWSON, MARYLAND 21204 494-2188

PHYLLIS COLE FRIEDMAN People's Counsel

PETER MAX ZIMMERNAN Deputy People's Counsel

October 16 . 1997

The Homorable Suranne Mensh, Clerk Circuit Court for Baltimore County Courts Bullding Towson, Marylant 21204

RP: In the Mitter of the Aprilication of Tara Bell Corporation for Special Hearing - Cst. Ct. Case 80. 87-ca-3411

Madam Clerk:

Findered for tiling please fint a Stipulation of Dismissal of the above-captioned case which has been signed by all counsel. Under Bule 2-505(a), an Order does not appear to be required.

> Very truly yours, Peter Max Zimmerman Laputy People's Counsel

Enclosure

est Starter S. Hire, Esplice Barry Weiskout, Espaire Kaplan, Heyman, Greenberg, Freelman's belong that A. A. 10th Floor - San 15te Bullding

20 S. Charles Street Baltimore, Maryland 21201

PMJ:sh



County Board of Appeals of Baltimore County 4. 10 Room 200 Court Mouse Tawson, Maryland 21204

(301) 494-3180

ZONING OFFICE

August 7, 1987

Mr. Richard R. Elgin Perring Park Community Association 2509 Cider Mill Road Baltimore, MD 21234

> RE: Case No. 87-45-SPHA Taco Bell Corporation

8/6/mb- balakana

Dear Mr. Elgin:

Encl.

Notice is hereby given, in accordance with the Rules of Procedure of the Court of Appeals of Maryland, that an appeal has been taken to the Circuit Court for Baltimore County from the decision of the County Board of Appeals rendered

Enclosed is a copy of the Certificate of Notice.

Very truly yours,

Aiministrative Secretary

cc: Mr. Robert Ward Mr. William Gertarit Mr. John E. Sinnots Mr. Mariano Cuba Mr. Joseph Sullivan Greater Parkville C/C Phyllis Cole Friedman, Esquire Wordan E. Gerber James G. Hoswell J. Robert Haines Jean M. H. Jung James E. Dyer Margaret E. di Bois



County Moned of Appenls of Baltimore County

Room 200 Court House Comson, Maryland 21204 (301) :91-3180

5 78 10 1901 C

NOTICE OF ASSIGNMENT

February a, 1947

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND SUFFICIENT BEASONS. REQUESTS FOR POSTPONEMENTS MUST BE IN WRITING AND REASONS. REQUESTS FOR FOSTFOREMENTS MOST BY IN WHITING AND IN STRICT COMPLIANCE WITH BOARD RULE 2(b). ABSOLUTELY NO FOSTFOREMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF SCHEDULED HEARING DATE IN ACCORDANCE WITH BULE 2(c), COUNTY CANAND ANDERSONA

> SWicon. Joppa 81. and Old Harford 81. 91m District SPH-To allow drive-thru facility % an iduation to the building Parin e-Por signs and parking spaces ATT TO AVE THE YEAR OF THE TENER OF THE TENE

> > Appellant Protest mt

TACO SELL CORPORATION

Car Mercal Fact Fig. 1

Appellant to tentant Mr. School ding

Mr. Alling Jerry with Mr. Com Stratt

Mr. Marians saga

of I for a set to be a

Matter to the 18

LAW OFFICES Kaplan, Heyman, Greenberg, Engelman & Belgrad, P.A.

(301) 519-6967

TENTH FLOOR-SUN LIFE BUILDING 20 SOUTH CHARLES STREET BALTINORE, MARYLAND 21201

SOLOMON KAPLAN

August 5, 1987

County Board of Appeals Room 200, Court House Towson, Maryland 21204

> Re: In the Matter of the Application of Taco Bell Corporation Case No. 87-45-SPHA

Dear Sir/Madam:

CHARLES B. HEYMAN

WILLIAM H. ENGELMAN

MERBERT J BELGRAD

THEODORE S. MILLER

MARK D. DOPKIN

STANLEY 5. FINE

SEARLE & MITNICI

KENNETH P. NIMAN

JOHN PHILIP MILLER LOWELL G. HERMAN

MARRIET E. COOPERMAN DANIEL & KATZ MICHAEL O. BERMAN

THOMAS D. WOLFE

PARBARA J ENGLISH

BARRY WEISHOPF

CHRIS A. OWENS

WILLIAM D. SHAUGHNESSY.

MANNES F GREENBERG

I am enclosing herewith for filing in the above-referenced matter a Motion to Revise Order and an Order of Appeal. Please note that the Order of Appeal is being filed on this date in the Circuit Court for Baltimore County. therefore, I would ask for a decision as soon as possible on the Motion to

Thank you for your anticipated cooperation in this matter.

Very truly yours

cc: Stanley S. Fine, Esquire

€0 € d 9- SNY L831 SOUNTY BOARD OF APPEALS

THE APPLICATION OF * COUNTY BOARD OF APPEALS TACO BELL CORPORATION * OF BALTIMORE COUNTY FOR PETITION FOR SPECIAL HEARING SW/COR JOPPA ROAD AND Case No. 87-45-SPHA OLD HARFORD ROAD (2317 Joppa Rd) AND VARIANCE 9th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT

* BEFORE THE

MOTION TO REVISE ORDER

Taco Bell Corporation, Petitioner, by its attorneys, Stanley S. Fine, Barry Weiskopf and Kaplan, Heyman, Greenberg, Engelman & Belgrad, P.A. move this Board to revise its Order dated July 7, 1987 in the above-referenced matter pursuant to Rule 10 of the Rules of Practice and Procedure of the County Board of Appeals, and as reasons therefore state the following:

1. This Motion is filed within thirty (30) days of the entry of the Order.

2. Neither Petitioner nor its undersigned counsel received notice of the date of the proceedings as required under Rule 2A of the Rules of Practice and Procedure of the County Board of Appeals.

3. The Order entered by the Board in this matter is without prejudice.

4. The failure by the Petitioner or its counsel to receive the notice amounts to such mistake or irregularity as to justify this Board revising its judgment to permit a rehearing of this matter.

WHEREFORE, your Petitioner prays:

A. That this Board revise its Order dated July 7, 1987 to permit a hearing of this matter; and

B. For such further relief as this Board deems just.

Aughter, Hoyman, Verenberg, Engelman & Bolgward, P. S. KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELGRAD, P.A. Tenth Floor - Sun Life Building

20 South Charles Street Baltimore, Maryland 21201 301/539-6967

Attorneys for Petitioner

October 1, 1986

County Board of Appeals of Baltimore County Room 200 Court Mouse Comeon, Maryland 21204 (301) 454-3180

August 7, 1987

Barry Weiskopf, Esquire KAPLAN, HEYMAN, GREENBERG ENGELMAN & BELGRAD, P.A. Tenth Floor, Sun Life Building 20 S. Charles Street Baltimore, MD 21201

> Re: Case No. 87-45-SPHA Taco Bell Corporation

Dear Mr. Weiskopf:

In accordance with Rule B-7 (a) of the Rules of Procedure of the Court of Appeals of Maryland, the County Board of Appeals is required to submit the record of proceedings of the appeal which you have taken to the Circuit Court for Baltimore County in the above entitled matter within thirty

The cost of the transcript of the record must be paid by you. Certified copies of other documents necessary for the completion of the record must also be at your expense.

The cost of the transcript, plus any other documents, must be paid in time to transmit the same to the Circuit Court not later than thirty days from the date of any petition you file in court, in accordance with Rule B-7

Enclosed is a copy of the Certificate of Notice which has been filed in the Circuit Court.

Alministrative Secretary

Enclosures

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THE CITIZANS LISTED ARE AGAINST THE FOLLOWING ZONING NOTICE STATES PROPERTY KNOWN AS TACO BELL AT THE INTERSECTION OF JOPPA ROAD

AND BEDLINGTON AVENUE. ZONING NOTICE SPECIAL HEARING ZONING COMMISSIONER TOWSON, M.D. PLACE 111 W. CHESAPEAKE AVE. COUNTY OFFICE BLDG.

TIME & DATE - MON. AUG. 18, 1986 - TIME 10:45 AM CASE NUMBER 87-45-STHA

TO REMOVE RESTRICTION NO. 1 IN ORDER DATED 11-40-80 IN CASE NO. 81-88A, AND TO AMEND THE SITE PLAN TO PERMIT A "DRIVE-THRU" FACILITY AND AN ADDITION TO THE BUILDING.

WE THE PEOPLE OF THE COMMUNITY FEEL THAT RESTRICTION NO. 1 SHOULD REMAIN IN EFFECT INDEFINITELY DUE TO THE FACT OF NOISE, EXCESSIVE TRAFFIC, TRASH, AND UNWANTED PEOPLE WALKING THROUGH THE AREA ALL HOURS OF THE NIGHT.

TRAFFIC - - ACCIDENT RATE HAS INCREASED DRASTICALLY AT ALL ENTRANCES, EXITS, AND INTERSECTIONS.

NOISE -- SOME NEIGHBORHOOD RESIDENCE CANNOT EVEN OPEN THERE WINDOWS AT NIGHT DUE TO THE FOUL LANGUAGE, AND YOUTHS ON THE PARKING LOT SQUEALING CAR TIRES.

TRASH -- THE NEIGHBORHOOD HAS EECOME A TRASH DUMPSTER; WITH ONE RESIDENT REMOVING 16 BAGS OF TRASH THIS YEAR. ALSO, THERE HAVE BEEN SEVERAL FIRES IN THE TACO BELL DUMPSTER. TACO BELL DOES NOT SELL BEER; BUT THE BEER BOTTLES IN THE AREA ARE SCATTERED ON LAWNS OF OLD HARFORD ROAD AND HAS INCREASED DRASTICALLY.

UNWANTED PEOPLE

IT HAS BEEN NOTICED THAT PEOPLE USING THE TACO BELL PARKING LOT ARE NOT AWARE OF THE RESTROOM FACILITY. NUMEROUS PEOPLE HAVE BEEN SEEN URNIATING ON THE LAWYS, BEHIND BUSHES, AROUND THE DUMPSTER, AND EVEN ON PRIMATE IT HAS BECOME A HANG OUT FOR CLDER TEENAGERS IN THE EARLY MORNING HOURS.

POLICE HAVE BEEN SUMMONS SEVERAL TIMES IN JUST A FEW YEARS. NO WE THE CITIZENS OF THE COMMUNITY DO NOT WANT TO SEE RESTRICTION NO. | FEMOVED.

ROBBERY ALSO HAS INCREASED IN THE CLOSE AREA WITH TACO BELL BEING RODSED SEVERAL TIMES IN JUST A FEW YEARS.

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING TOWSON MARYLAND 21204

IN THE MATTER OF

ARNOLD JABLON ZONING COMMISSIONER

JEAN M. H. JUNG DEPUTY ZONING COMMISSIONER

October 1, 1986

Stanley S. Fine, Esquire Kaplan, Heyman, Greenberg, Engleman & Belgrad, P.A. 10th Floor - Sun Life Building 20 South Charles Street Baltimore, Maryland 21201

> RE: PETITIONS FOR SPECIAL HEARING AND VARIANCES SW/cor. of Joppa Rd. and Old Harford Rd. (2317 East Joppa Rd.) 9th Election District Taco Bell Corp. - Petitioner Case No. 87-45-SPHA

Dear Mr. Fine:

Pursuant to our telephone conversation of this date, this letter is to confirm and advise everyone that this case has been scheduled for a continued hearing before Commissioner Arnold Jablon on Monday, November 3, 1986, at 1:30 p.m., in Room 106, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland.

Very truly yours,

Margaret & du Con Margaret E. du Bois Hearings Clerk Zoning Office

ccs: Mr. David D. Bock, Area Construction Manager Taco Rell Corporation 1940 Route 70 Last Suite 203 Cherry Hill, New Jersey 08003

> Mr. Robert Ward, Vice President, Woodcroft Civic Association 2408 Burridge Road Baltimore, Maryland 21234

See page 2

Stanley S. Fine, Esquire Kaplan, Heyman, Greenberg, Engleman & Pelgrad, P.A.

ccs: Mr. William Gerhardt 8821 Old Harford Road Baltimore, Maryland 21234

> Mr. John E. Sinnott, President, Perring Park Community Association 2314 Harford Hills Road Baltimore, Maryland 21234

Mr. Richard Elgin 2509 Sector Highly Road Research Thing the Baltimore, Maryfand 21234 People's Counsel for Baltimore County

TACO BELL CORPORATION CW/cor of Joppa Road and Old Harford Road (2317 E. Joppa Foad)

required 34

dime to their

January 19, 1947

.

SIH -to umend site plan approved in Case #41-48-4 to permit drive-thru facility; VAS -to permit 5 business signs in life of permitted 3 and to permit 27 parking spaces in they or

#37-45-2784A

4th Election District

Fetitions of Taco Bell Corp. to amend approved site plan of Case #-1-85-A to permit drive-thur facility and addition; and for variances to permit 5 business signs in lieu of permitted 3 and 27 parking spaces

in lieu of required 33. Order of I.C. GRANTING Petition for Special Hearing to amend site plan and remove restrictions in Case Ap. 41-84-A; OSANTING variances to termit business signs totalling the to sq. ft. in lieu of permitted 190 sq. ft. and of parking spaces in lieu of required 33 spaces, subject to restrictions.

Fobruary 2 Coffee of Appeal to C.B. of A. from Bisbard R. Flwin. William Jenhandr. Mantano C. Caba. Comeph Callivan. Ferring Back C A, Greater Backville C 2, and Wood room J.A. Instructions.

Herming scheduled before C.B. of A.: Board convened he ming after whemmute writing period due to non-

appearance of Petitioner or his Counsel. Jan V Order of the Board DIOMISSING Petition. Assessment on

Enden for Appeal to Streett Stoom 500 from Stomley d. Firm, hip., and harm Weisson's aspect haret de-

define the companies of the filter of the companies of th Contains also on Mora a port to interported parties. a experience and

e a tost eigen tea City lation of Cismismit filed in Circuit Comp. from all Course. (3. Fire, Est; B. Weinkopf, Esq;

Description testimony filed: Be ont of Drogentiers file for the party

and P. Chemermann, Dep. pos-

STEPHEN E. COLLINS DIRECTOR

June 30, 1986

Mr. Arnold Jablon Zoning Commissioner County Office Building Towson, Maryland 21204

> Item No. 439 Property Owner: Location: Existing Zoning: Proposed Zoning:

Meeting of June 10, 1986 Taco Bell Corporation SW/C Joppa Rd. and Old Harford Rd. B.L. - CS2 Special Hearing to approve an amendment to the site plan and Order in Case No. 81-88-A

Acres: District:

Dea: Mr. Jablon:

We have reviewed the submitted site plan and have the following comments:

0.375 acres

9th Election District

1. The site plan does not provide for sufficient stacking spaces from the order board for the drive-thru window.

2. The entrance and the exit for the drive-thru window do not provide a large enough radius; this will tend to cause congestion on Old Harford Road and Joppa Rd.

3. The proposed parking variance can be expected to cause parking problems in the area around the site.

Traffic Engineer Associate II

BALTIMORE COUNTY DEPARTMENT OF HEALTH

Location: SW/L Joppa Rd. + OLD Harfiel Rd District 9th

Water Supply Poplic Sewage Disposal Ciblic

(X) Prior to approval of a Building Permit for construction, renovation and/or

installation of equipment for any existing or proposed food service facility.

ments for such installation/s before work begins.

A permit to construct from the Division of Air Pollution Control is required

for such items as spray paint processes, underground gasoline storage tank/s (5,000 gallons or more) and any other equipment or process which exhausts

A permit to construct from the Division of Air Pollution Control is required for any charbroiler operation which has a total cooking surface area of five

() Prior to approval of a Building Permit Application for renovations to existing or construction of new health care facilities, complete plans and specifications of the building, food service area and type of equipment to be used for the food service operation must be submitted to the Plans Review and Approval Section, Division of Engineering and Maintenance. State Department

() Prior to any new construction or substantial alteration of public swimming

() Prior to approval for a nursery school, owner or applicant must comply with all Baltimore County regulations. For more complete information, contact

method providing for the elimination of waste oil must be in accordance

() If lubrication work and oil changes are performed at this location, the

pool, wading pool, bathhouse, saunas, whirlpools, hot tubs, water and sewerage facilities or other appurtenances pertaining to health and safety; two (2)

copies of plans and specifications must be submitted to the Ealtimore County

Department of Health for review and approval. For more complete information. contact the Recreational Hygiene Section, Division of Environmental Support

of Health and Mental Hygiene for review and approval.

the Division of Maternal and Child Health.

with Water Resources Administration requirements.

CONTACT STATE Kyleni C. Superison Plants Francis, ENJ SIEL STUJ4-3171

complete plans and specifications must be submitted to the Plans Review

Section, Environmental Support Services, for final review and approval.

() Prior to new installation/s of fuel burning equipment, the owner should contact the Division of Air Pollution Control, 494-3775, to obtain require-

to remove restriction #1 to allow a "drive

thru" facility and an addition to the building

and a Variance to permit a total sign square

footage of 132.54 square feet in lieu of the

business signs. T. permit 27 parking spaces

business signs in lieu of the allowed 3 other

allowed 100 square feet and permit 5 other

in lieu of the required 33 parking spaces.

Zoning Commissioner

County Office Building

Towson, Maryland 21204

COMMENTS ARE AS FOLLOWS:

into the stmosphere.

(5) square feet or more.

Office of Planning and Zoning

Property Owner: Toco Call Coccocalud

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

July 23, 1986

COUNTY OFFICE BLDG. 111 W. Chesapeake Ave. Towson, Maryland 21204

Chairman

Department of State Roads Commissio

Bureau of

Fire Prevention Health Department Project Planning Building Department Board of Education Zoning Administration

Industrial

Stanley S. Fine, Esquire 222 E. Redwood Street, Suite 300 Baltimore, Maryland 21202

> RE: Item No. 439 - Case No. 87-45-SPHA Petitioner: Taco Bell Corp. Petitions for Special Hearing and Zoning Variance

Dear Mr. Fine:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above-referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. The Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

> Very truly yours. Chairman Zoning Plans Advisory Committee

JED:kkb

Enclosures

Zoning Item # 119 Zoning Advisory Committee Meeting o

) Soil percolation tests (have been/must be) conducted.

the minimum Baltimore County Standards must be drilled.

The results are valid until

shall be valid until

additional tests are required.

Management at 494-3768.

well yield test

cc: Hudkins Associates, Inc. 200 East Joppa Read, Room 101 Towson, Maryland 21204

> Taco Bell Corp. 1940 Route 70 East, Suite 203 Cherry Hill, New Jersey 08003

() Prior to razing of existing structure/s, petitioner must contact the Division

() Any abandoned underground storage tanks containing gasoline, waste oil, sol-

disposal of potentially hazardous materials and solid wastes.

of Water Quality and Waste Management at 494-3768, regarding removal and/or

vents, etc., must have the contents removed by a licensed hauler and either

Soil percolation test results have expired. Petitioner should contact the Division of Environmental Support Services to determine whether

be removed from the property or properly backfilled. Prior to removal or

abandonment, owner must contact the Division of Water Quality and Waste

() Where water wells are to be used as a source of water supply, a well meeting

is not acceptable and must be retested. This must be accomplished

prior to conveyance of property and approval of Building Permit

() In accordance with Section 13-117 of the Baltimore County Code, the water

() Prior to occupancy approval, the potability of the water supply must be

() If submission of plans to the County Review Group is required, a Hydro-geological Study and an Environmental Effects Report must be submitted.

verified by collection of bacteriological and chemical water samples.

THE CITIZANS LISTED ARE AGAINST THE FOLLOWING ZONING NOTICE PROPERTY KNOWN AS TACO BELL AT THE INTERSECTION OF JOPPA ROAD AND BEDLINGTON AVENUE.

ZONING NOTICE SPECIAL HEARING ZONING COMMISSIONER TOWSON, M.D. PLACE 111 W. CHESAPEAKE AVE. COUNTY OFFICE BLDG. TIME & DATE - MON, AUG. 18, 1986 - TIME 10:45 AM CASE NUMBER 87-45-SPHA

TO REMOVE RESTRICTION NO. 1 IN ORDER DATED 11-40-80 IN CASE NO. 81-88A, AND TO AMEND THE SITE PLAN TO PERMIT A "DRIVE-THRU" FACILITY AND AN ADDITION TO THE

WE THE PEOPLE OF THE COMMUNITY FEEL THAT RESTRICTION NO. 1 SHOULD REMAIN IN EFFECT INDEFINITELY DUE TO THE FACT OF NOISE, EXCESSIVE TRAFFIC, TRASH, AND UNWANTED PEOPLE WALKING THROUGH THE AREA ALL HOURS OF THE NIGHT.

TRAFFIC - - ACCIDENT RATE HAS INCREASED DRASTICALLY AT ALL ENTRANCES. EXITS, AND INTERSECTIONS.

NOISE -- SOME NEIGHBORHOOD RESIDENCE CANNOT EVEN OPEN THERE WINDOWS AT NICHT DUE TO THE FOUL LANGUAGE, AND YOUTHS ON THE PARKING LOT SQUEALING CAR TIRES.

TRASH - - THE NEIGHBORHOOD HAS BECOME A TRASH DUMPSTER: WITH ONE RESIDENT REMOVING 16 BAGS OF TRASH THIS YEAR. ALSO, THERE HAVE BEEN SEVERAL FIRES IN THE TACO BELL DUMPSTER. TACO BELL DOES NOT SELL BEER; BUT THE BEER BOTTLES IN THE AREA ARE SCATTERED ON LAWNS OF OLD HARFORD ROAD AND HAS INCREASED DRASTICALLY.

UNWANTED PEOPLE

IT HAS BEEN NOTICED THAT PEOPLE USING THE TACO BELL PARKING LOT ARE NOT AWARE OF THE RESTROOM FACILITY. NUMEROUS PEOPLE HAVE BEEN SEEN URNIATING ON THE LAWNS, BEHIND BUSHES, AROUND THE DUMPSTER, AND EVEN ON PRIVATE

IT HAS BECOME A HANG OUT FOR OLDER TEENAGERS IN THE EARLY MORNING HOURS. POLICE HAVE BEEN SUMMONS SEVERAL TIMES IN JUST A FEW YEARS.

NO WE THE CITIZENS OF THE COMMUNITY DO NOT WANT TO SEE RESTRICTION No. 1 REMOVED. ROBBERY ALSO HAS INCREASED IN THE CLOSE AREA WITH TACO BELL BEING ROBBED SEVERAL TIMES IN JUST A FEW YEARS.

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

Arnold Jablon TO Zoning Commissioner Norman E. Gerber, AICP, Director

FROM Office of Planning and Zoning

SUBJECT_Zening Petitions No. 87-44-A, 87-45-SpHA, 87-46-A and 87-47-A

As to these requests for variances, this office has no problem with the menu boards or directional signs; however, the proposed I.D. signs are much too large. This office is opposed not only to the excessive height but to the excessive size of these signs. Baltimore County's arterial roads has been blessed with a plethor; of signage. Additionally we fail to see the need for such height and size considering the proposed locations of the signs.

Date July 21, 1986

NEG: JGH: slm

87-43-SPHA

BALTIMORE COUNTY OFFICE OF PLANNING & ZONING

County Office Building 111 W. Chesapeake Avenue Towson, Maryland 21204

Petitioner Trace P. 11 Corp. Petitioner's

Advisory Committee

TACO BELL CORP. SIGNAGE 2317 E. Joppa Road

I pylon sign (refaced) I menu board (single-faced)

1 pre-order menu board (single-faced)

2 directional signs (double-faced) 16.44 sq. ft.

Totals: 5 signs

August 29, 1986

Yery truly yours.

Bruce J. O'Brien

District Manager

BJ0/scp

Enclosures

Bruse OBun

I am enclosing some guest cards which I hope you will use. While

in the store, please introduce yourself to Don.

132.54 sq. ft.

69.00 sq. ft.

23.55 sq. ft.

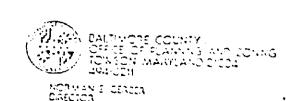
23.55 sq. ft.

SS 20 1082 (1)

Ian J. Forrest, Director BURFAU OF ENVIRONMENTAL SERVICES

Attorney

Chairman, Zoning Plans



Mr. Arnold Jables Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Jablon:

cc: James Hoswell *

JULY 14, 1986

Re: Joning Advisory Meeting of JUNE 10, 1986

Item = 439
Property Owner: TACO BELL CORP.
LOCATION: SWIC JOPPA RD. + OLD
HAMPENRO ROAD.

The Division of Current Planning and Development has reviewed the subject petition and offers the following comments. The items checked below are

There are no site planning factors requiring comment.)A County Review Group Meeting is required.)A County Review Group meeting was held and the minutes will be forward by the Bureau of Public Services.

()This site is part of a larger tract; therefore it is defined as a subdivision. The plan must show the entire tract.

()A record plat will be required and must be recorded prior to issuance of a building permit.)The access is not satisfactory. The circulation on this site is not satisfictory.

The parking arrangement is not satisfictory.

Parking calculations must be shown on the plan.)This property contains soils which are defined as wetlands, and development on these soils is prohibited. ()Construction in or alteration of the floodplain is prohibited under the provisions of Section 22-93 of the Development Regulations.

()Development of this site may constitute a potential conflict with the Baltimore County Haster Plan.

()The amended Development Plan was approved by the Planning Board (X) Landscaping: Must comply with daltimore County Landscape Manual. The property is located in a deficient service area as defined by Bill 173-79. No building permit may be issued until a Reserve Capacity Use Certificate has been issued. The deficient service Is

()The property is located in a traffic area controlled by a "D" level intersection as defined by Bill 173-79, and as conditions change traffic copacity may become more limited. The Basic Services Areas are re-evaluated annually by the County Council. Additional comments:

AG PER SECTION V. A. B. OF THE BALTIMORE
COUNTY LANDSCAPE MANUAL - "IN COMMERCIAL
OFFICE AND INDSCAPE MANUAL - "IN COMMERCIAL
THE FLOOR AREA OF LESS THAN 50% SHAPL
REQUIRE THAT THE PORTION OF THE SITE IMPACTED

CONFORM TO THE STANDARDS OF THIS MANUAL "

Chief, Current Planning and Gevelopment

BALTIMORE COUNTY
FIRE DEPARTMENT
TOWSON, MARYLAND 21204-2586
494-4500

PAUL H. REINCKE CHIEF

June 24, 1986

Mr. Arnold Jablon Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson Maryland 21204

Item No.: 439

RE: Property Owner: Taco Bell Corporation

Location: SW/C Joppa Road and Old Harford Road Zoning Agenda: Meeting of 6/10/86

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and require! to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at

EXCEEDS the maximum allowed by the Fire Department. : () 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

 \cdot (\mathbf{x}) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 19.6 edition prior

) 6. Site plans are approved, as drawn.

) 7. The Fire Prevention Bureau has no comments, at this time.

REVIEWER: Oft Jour 11 Tolly 6 2456 Approved: Fire Prevention Bureau Planning Gyoup Special Inspection Division

DEPARTMENT OF PERMITS & LICENSES DEPARTMENT OF PERMITS & L TOWSON, MARYLAND 21204

TED ZALESKI, JR.

Mr. Arnols Jablon, Zoning Commissioner Office of Planning and Zoning Towson, Maryland 21204

Comments on Item # 439 Zoning Advisory Committee Meeting are as follows: Property Owner: Taco Bell Corporation

SW/C Joppa Road and Old Harford Road Districts

APPLICABLE ITEMS AND CONCERNS

All structures shall conform to the Saltimore County Suilding Code as adopted by Council Sill #17-85, the Maryland Code for the Handtrapped and Aged (A.H.E.I. #117-1 - 1980) and other applicable Codes and Standards.

(B) A building and other miscellaneous permits shall be required before the start of any construction.

C. Residential: Two sets of construction drawings are required to file a permit application. The seal of a registered in Maryland Architect or Engineer is/is not required on plans and technical data.

D. Commercial: Three sets of construction drawings sealed and signed by a registered in Maryland Architect or Engineer shall be required to file with a permit application. Reproduced semis are not acceptable.

E. All Use Groups except R-4 Single Femily Detached Dwellings require a minimum of 1 hour fire rating for exterior walls closer than 6'-0 to an interior lot line. R-4 Use Groupe require a one hour wall if closer than 3'-0 to an interior lot line. Any wall built 20 an interior lot line small require a fire or party wall. See Table 441, Section 1407, Section 1406.2 and Table 1402. No openings are permitted in an exterior wall within 3'-0 of an interior lot line.

F. The structure does not appear to comply with Table 505 for permissable height/area. Reply to the requested variance by this office cannot be nonmidered until the necessary data pertaining to height/area and construction type is provided. See Table LOI and 505 and have your Architect/Engineer contact this department. G. The requested variance appears to conflict with Section(s) ______ of the Beltisore

H. When filing for a required Change of Des/Cocupancy Permit, an alteration permit application shall also be filed along with three sets of acceptable cometruction plane indicating how the esisting structure is to be altered in order to comply with 'he Code requirements for the new use. Maryland Architectural or Engineer seals are usually required. The change of Des Groups are from Use to Cas , or to Mixed Dess.

I. The proposed project appears to be located in a Flood Plain, Tital/Nivering. Please see the attached copy of Section 516.0 of the Building Code as adopted by Bill e17-85. Site plans shall show the correct elevations above sea level for the lot and the finish floor levels including basement.

J. Comments: It is assumed the existing building, handicapped ramps, signs, building access and useability complies with the State Handicapped Regulations. If not, any increase in building area automatically requires compliance by Section .05.01.07, Subsection .03 application; of the Code of Maryland Regulations. Handicapped parking requires a minimum of two spaces. For this layout only one of Flannish and Loning and are not intended to be construed as the full extent of any persit. It desired the applicant may obtain additional information by visiting Room 122 of the County of the building at 11. Shown. the applicant may obtain additional information by visiting Room 127 of the County office build of at 11. Shown.

W. Chesapeage Avenue, Toward, Maryland 712%.

Signs shall compiler with Amticle 10 as among

Signs shall comply with Article 19 as amended. Middle & wheenless

PETITIONS FOR SPECIAL HEARING AND VARIANCES

9th Election District Case No. 87-45-SPHA

Southwest Corner of Joppa Road and Old Harford Road (2317 East Joppa Road)

DATE AND TIME: Monday, August 13, 1985, at 10:45 a.m.

PUBLIC HEARING: Room 106, County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing:

Petition for Special Hearing to remove Restriction No. 1 in Order, dated 11/14/80, in Case No. 81-88-A and to amend the site plan to permit a "drive-thru" facility and an addition to the building

Petition for Zoning Variances to permit 5 other business signs totaling 132.54 square feet in lieu of the permitted 3 other business signs totaling 100 square feet and 27 parking spaces in lieu of the required 33 spaces

Being the property of ____Taco Bell Corp. plan filed with the Zoning Office.

In the event that this Petition(s) is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be received in writing by the date of the hearing set above or made at the hearing.

BY ORDER OF ARNOLD JABLON ZONING COMMISSIONER GF BALTIMORE COUNTY



ARNOLD JABLON ZONING COMMISSIONER JEAN M H JUNG DEPUTY ZONING COMMISSIONER

August 14, 1986

Stanley S. Fine, Esquire

222 East Redwood Street Suite 300 Baltimore, Maryland 21202 RE: PETITION FOR ZONING VARIANCE SW/S of Wise Ave., 870' NW of Lynch Rd. (7815 Wise Ave.) 12th Election District Larry G. Hoover - Petitioner Case No. 87-44-A (A & P COSTS - \$65.75) PETITIONS FOR SPECIAL HEARING AND VARIANCES SW/cor. of Joppa Rd. and Old Harford Rd. (2317 E. Joppa Rd.) 9th Election District Taco Bell Corp. - Petitioner Case No. 87-45-SPHA (A & P COSTS - 5116.71) PETITION FOR ZONING VARIANCE SW/S of Reisterstown Rd., 700° SE of Chestnut Hill La. West (11720 Reisterstown Rd.)

4th Election District Taco Bell Corp. - Petitioner Case No. 87-46-A (A & P COSTS - \$65.37) PETITION FOR MODING WARTERSON, A The Ave. (7407 Belair Rd.)

No. 021823

BALTIMORE COUNTY, MARYLAND OFFICE OF FINANCE - REVENUE DIVISION MISCELLANEOUS CASH RECEIPT

R-01-615-000 DATE SIGNS & PUSTS TO BE ACCOUNT Stanley S. Fine, Laquire, 222 1. Redwood St. 44 RETURNED Suite 300. Baltimore, Md. 21202

is due for advertising and saist be paid before an Order SICNS AND POSTS RETURNED ON

ADVERTISING & POSTING COSTS RE CASE NOS. 87-44-A, OF BE ISSUED. 87-45-SPNA, 87-46-A, and 87-47-A

B BCB3++++31043:a 3188F VALIDATION OR SIGNATURE OF CASHIER Stanley S. Fine, Inquire

August 14, 1986

Do not remove the signs from the property from the time they are placed by this office until the day of the hearing itself.

Please make the check payable to "Baltimore County, Maryland" and remit it to the Zoning Office, Room 113, County Office Building, 111 West Chesapeake Avenue, Towson, Maryland 21204, before the hearing.

Sincerely. Cloudd ARNOLD JABLON . Zoning Commissioner

Authed

BALITIMORE COUNTY DEPAREMENT OF TRAFFIC ENGINEERING COUNTY COURTS BUILDING, 4th FLOOR

TOWSON, MARYLAND 21204 SUBJECT: Taco Bell 23/1E. Jago Ri TO: Arnold cholon H 77-65-17 July #1439 LOCATION: Jospan Oll Hartie COUNCIL DISTRICT: () under separate cover We are transmitting (herewith, the following information for the purpose checked.

DESCRIPTION ZONING OFFICE . SHEETS opposes satisfactory to the Dopt Stralle Sig.

The access to O. Harford RI has low closed to provide more stacking. NODITICUAL COMMENTS: () FOR YOUR APPROVAL OR COMMENTS (V APPROVED (Y FOR YOUR INFORMATION () APPROVED AS NOTED () REVISE AND RETURN (AS REQUISITED

For further questions, please do not hesitate to contact Gray Jonal 27 July at 494-3554. Very truly yours,

Stephen E. Collins Director of Traffic Engineering

Mr. Richard R. Elgin

Mr. William Gerhardt

Hr. Hartono C. Cuba

Mr. Joseph Sullivan

2509 Cider Mill Rd., 21234

8821 Old Harford Kd., 21234

8823 Old Harford Rd., 21234

8825 Old harford Nd., 21234

Hr. Robert Ward, Vice Pres.

2408 Burridge Road, 21234

Woodcroft Civic Association

February 2, 1987

Stanley S. Fine, Esquire Kaplan, Heyman, Greenberg, Engleman & Belgrad, P.A. Sun Life Eldg., 10th Floor 20 S. Charles Street - -Baltimore, Maryland 21201

Mr. David D. Bock, Area Construction Manager Taco Bell Corporation 1940 Route 70 East, Suite 203 Cherry Hill, New Jersey 00003

Mr. John E. Sinnott, President Perring Fark Community Assoc. 2314 Harford Hills Road Baltimore, Maryland 21234

SEC/GMJ/bza

Greater Parkville C/C P.O. Box 28449 Baltimore, Maryland 21234

Phyllis Cole Friedman, Esquire, People's Counsel for Baltimore County

> RE: PETITIONS FOR SPECIAL REARING AND VARIANCES SW/cor. of Joppa Road and Old Harrord Hoad (2317 E. Joppa Road) 9th Election District Taco Bell Corporation - Petitioner Case No. 8/-45-SPHA Appeal Filed: February 2, 1987 APPEAL FILED BY: Richard R. Elgin, Appellant/Protestant Perring Park Community Association

Dear Ms. Priedman and Centiquent

Flease be advised that on February 2, 1981, an appeal was filed by Signard R. Eigin, Appellant/Protestant, from the decision rendered by the builtnore County Coming Commissioner in the above-referenced case.

You will be notified of the date and time of the appeal hearing when it has been scheduled by the Baltimore County Board of Appeals (494-3183).

> Yery truly yours, illusted procon

ARNOLD JABLON Coming Commissioner

DATE: February 2, 1987 SUBJECT: PETITION FOR SPECIAL HEARING AND VARIANCE

SW/cor. of Joppa Road and Old Harford Road (2317 E. Joppa Road) 9th Election District Taco Bell Corporation - Petitioner Case No. 87-45-SPHA

> APPEAL FILED BY: Appellant/Protestant - Richard R. Elgin for the Perring Park Community Association

The following items are being transmitted in accordance with the appeal filed on the above-referenced case:

Petitions for Special Hearing and Zoning Variance

Description of Property Certificates of Posting

Certificates of Publication

Beltimore County Zoning Advisory Committee Comments

Director of Planning & Zoning Comments Entry of Appearance of People's Counsel for Baltimore County

8) Order of Zoning Commissioner 9) Notice of Appeal Filed on 2/02/87 by Appellant/Protestant -

Richard R. Elgin for the Perring Pr. k Comm. Assoc. 10) retitioner's Exhibits as follows:

Exhibit 1 - Site Plan Exhibits 2a thru 2k - Color Photos Exhibit 3a through 3c - Color Photos Exhibit 4 - Letter of support Exhibit 5 - Breakdown of square footage for Signs Exhibit 6 - Revised Site Plan

11) Letters from Protestants as follows:

Letter of Opposition from Elsic Cuba Letter of Opposition from T. W. Chenowith Letter of Opposition from Mr. & Mrs. Sullivan Two Letters of Opposition from various Citizens

Mr. Richard A. Elgin, Appellant/Frotestant Perring Park Comm. Assoc. 2509 Cider Mill Rd., 21234

Mr. Robert Ward, Vice President Woodcroft Civic Assoc., 2408 Burridge Rd., 21234

Mr. William Gerhardt 8821 Old Harford Rd., 21234

IN THE MATTER OF

THE APPLICATION OF TACO BELL CORPORATION

9th ELECTION DISTRICT

PLAINTIFF

6th COUNCILMANIC DISTRICT

FOR SPECIAL HEARING TO AMEND

EXISTING SITE PLAN & VARIANCES

ON PROPERTY LOCATED ON THE SW/

HARFORD ROAD (2317 Joppa Road)

TACO BELL CORP. -PETITIONER-

ZONING FILE NO. 87-45-SPHA

CORNER OF JOPPA ROAD AND OLD

Mr. John E. Sinnott, President Perring Park Community Assoc. 2314 Harford Hills Rd., 21234

Mr. Mariano Cuba 8823 Old Hargord Rd., 21234 Mr. Joseph Sullivan

8825 Old Harford Rd., 21234

Greater Parkville C/C P.O. Box 28449, Baltimore, Md. 21234

Stanley 3. Fine, Esquire, Attorney for Petitioner Sun Life Bldg., 10th Floor, 20 S. Charles Street, Baltimore, Md. 21201

Mr. David D. Bock, Area Construction Manager - Taco Bell Corp., 1940 Route 70 East, Suite 203, Cherry Hill, HJ 08003

Peoples Counsel

Request Notification: Norman E. Gerber James Hoswell Arnold Jablon Jean M. H. Jung James E. Dyer Margaret E. duBois, Docket Clerk

| : | | | CIRCUIT | | CO | COURT | |
|---|---|---|----------|-----|------|---------|--|
| : | | | FOR | | | | |
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| : | | | CG Doc. | No | | 44 | |
| : | | | Folio No | | | 281 | |
| : | | | File No. | | 87-0 | CG-3411 | |
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| | | | | | | | |

PROCEEDINGS BEFORE THE ZONING COMMISSIONER AND THE BOARD OF APPEALS OF BALTIMORE COUNTY

TO THE HONORABLE, THE JUDGE OF SAID COURT:

.

And now come William T. Hackett, Thomas J. Bollinger, and Harry E. Buchheister, Jr., constituting the County Board of Appeals of Baltimore County, and in answer to the Order for Appeal directed against them in this case, herewith return the record of proceedings had in the above-entitled matter, consisting of the following certified copies or original papers on file in the Zoning Office of Baltimore County:

No. 87-45-SPHA

June 30, 1986

Petitions of Taco Bell Corporation for a special hearing to approve amendment to site plan and Order in Case No. 81-88-A to remove restriction #1 to allow a "drivethru" facility and addition to building; and for variances to permit total sign square footage of 132.54 sq. ft. in lieu of the allowed 100 sq. ft., to permit 5 other business signs in lieu of the allowed 3, and to permit 27 parking spaces in lieu of the allowed 33.

June 30 Order of the Zoning Commissioner directing advertisement and posting of property - date of hearing set for August 18, 1986 at 10:45 a.m.

July 7 Certificate of Posting of property -filed

July 21 Comments of Baltimore County Director of Planning -filed

July 23 Comments of Baltimore County Zoning Plans Advisory Committee -filed

Case No. 87-45-SPHA Taco Bell Corporation

February 2

July 1

July 7

August 6

August 18

Certificate of Publication in newspaper -filed July 31, 1986 At 10:45 a.m., hearing held on petitions by Zoning August 18 Commissioner January 12, 1987

Order of the Zoning Commissioner GRANTING the Petition for Special Hearing to remove restriction #1 from Order in Case No. 81-88-A and to amend site plan to permit drive-thru; additionally, GRANTING variances to permit other business signs totaling 116,10 sq. ft. in lieu of permitted 100 sq. ft. and 27 parking spaces in lieu of the required 33 spaces, subject to restrictions

> Letter of Appeal to the C.B. of A. from Richard R. Elgin, William Gerhardt, Mariano C. Cuba, Joseph Sullivan, Perring Park C/A, Greater Parkville C/C, and Woodcroft C/A, Protestants

> > Hearing scheduled before the County Board of Appeals; Board convened hearing after 45-minute waiting period due to non-appearance of Petitioner or his Counsel

Order of the Board of Appeals DISMISSING Petition. Order for Appeal to the Circuit Court for Baltimore Balt.more County from Stanley S. Fine, Esquire, and

Barry Weiskopf, Esquire, Counsel for Petitioner

Petition to accompany Order for Appeal filed in the · Circuit Court for Baltimore County

Certificate of Notice sent to interested parties. August 7 September 4 Transcript of testimony filed.

No exhibits presented before the County Board of Appeals

Record of Proceedings filed in the Circuit Court for September 4 Baltimore County

Record of proceedings pursuant to which said Order was entered and upon which said Board acted are hereby forwarded to the Court (no exhibits were entered into evidence before the Board).

Respectfully submitted,

Kaklund Eldidiakammer Kathleen C. Weidenhammer County Board of Appeals of Baltimore County

IN THE MATTER OF BEFORE THE THE APPLICATION OF COUNTY BOARD OF APPEALS TACO BELL CORPORATION OF BALTIMORE COUNTY FOR PETITION FOR SPECIAL HEARING SW/COR JOPPA ROAD AND * Case No. 87-45-SPHA OLD HARFORD ROAD (2317 Joppa Road) * AND VARIANCE 9th ELECTION DISTRICT 6th COUNCILMANIC DISTRICT * * * * * * * * PETITION FOR APPEAL FROM DECISION OF COUNTY

BOARD OF APPEALS FOR BALTIMORE COUNTY

The Petition for Appeal of Taco Bell Corporation, Appellant, by its attorneys, Stanley S. Fine, Barry Weiskopf and Kaplan, Heyman, Greenberg, Engelman & Belgrad, P.A., respectfully represents unto this Honorable Court as follows:

1. That your Appellant is the owner of the property known as 2317 Joppa Road located in Baltimore County, Maryland on which, your Appellant operates a Taco Bell fast food Mexican restaurant.

2. Your Petitioner applied for a special acceptance and variance to permit Appellant to construct on the property a drive-through window.

3. The Petition was filed in a timely manner; however, neither Appellant nor its undersigned counsel received notice of the date of the proceedings as required under Rule 2A of the Rules of Practice and Procedure of the County Board of Appeals.

4. The Order entered by the County Board of Appeals in this matter is without prejudice.

* IN THE

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above-captioned matter hereby stipulate to the dismissal of this action

pursuant to Maryland Rule 2-506(a), with prejudice.

STIPULATION OF DISMISSAL

The undersigned counsel for Petitioner and Respondent in the

* CIRCUIT COURT

* BALTIMORE COUNTY

* Case No. 87-CG-3411

IN THE MATTER OF

THE APPLICATION OF

TACO BELL CORPORATION

FOR SPECIAL HEARING

5. The failure by the County Board of Appeals to properly notify Petitioner or its counsel amounts to such mistake or irregularity as to justify this Court in reversing the decision of the County Board of Appeals and remanding this case for further proceedings.

WHEREFORE, your Appellant prays:

A. That this Court reverse the decision of the County Board of Appeals for Baltimore County in Case No. 87-45-SPHA and remand the case for further proceedings, including a proper hearing.

3. That the Appellant be granted such other and further relief as the nature of its cause may require.

KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELGRAD, P.A. 10th Floor - Sun Life Building 20 South Charles Street Baltimore, Maryland 21201 301/539-6967

Attorneys for Appellant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of August, 1987, a copy of the foregoing Petition for Appeal from the Decision of the County Board of Appeals for Baltimore County was mailed by first class mail, post prepaid to the County Board of Appeals for Baltimore County, Room 200, Court House, Towson, Maryland 21204.

ARNOLD JADLON ZONING COMMISSIONER

FAN M H BING DEPUTY ZONING COMMISSIONER

Mr. Bichard F. Elgin

Mr. William Jernardt

Mr. Mariano J. Jura

Mr. Joseph Sullivan

2504 Cider Mill Hd., 21234

SSOL Old Harrord Bd., 21234

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Mr. Betert ward, Vice Fres.

Wooderett Civic Association

Cald Burridge Houd, 210%.

Mr. David D. Bock, Area Construction Manager Taco Fell Corporation 1940 Route 70 East, Suite 203 Cherry Hill, New Jersey 08003

. 31 - Harford Hills Boat

Suften Styman, Beenhay, Engelmon & Belgrath P. A. KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELGRAD, P.A. 10th Floor - Sun Life Building 20 S. Charles Street Baltimore, Maryland 21201 301/539-6967

Attorneys for Taco Bell Corporation

15 ton May Chaminger ... PETER MAX ZIMMERMAN Room 223, Courthouse Temson, Maryland 21234

Leputy Peoples Counsel

BALTIMORE COUNTY
OFFICE OF PLANNING & ZONING TOWSON MARYLAND 21204

Fetruary 2, 1987

Stanley S. Fine, Esquire Kaplan, Heyman, Greenberg, Engleman & Belgrad, P.A. Sun life bldg. . loth Floor 10 0. Charles Street Faltimore, Maryland 21231

Mr. John E. Sinnett, Fresident Territy Park Community Assoc. Baltimore, Maryland 1834

Creater Farkville C.C. Para Box (1844) malitim no. Manyland (1994)

Tryllis Cole releasem, Esquire. leople's Counsel for baltimore County

FEE RETITIONS FOR CHECIAL HEARING AND VARIANCES OW cor. of Coppa Boad and Old Harford Food ACRES F. Jospa Boad) Ath Election District Taco Bell Comparation - Petitioner Jace N . 5 -4 - 1134 Sylval Filed: Sein. ev., 10

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Floade te advised that on February 2. 105% on ageal was filed by Signard B. Sign. Appellant in test est, from the decision rendered by the baltimorre County Conting Commissioner in the above-reference disage.

Yes will be notified of the fate and time of the appeal rearing when it that been acheduled by the baltimore County bound of Appeals to re-sist.

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BEFORE THE IN THE MATTER OF COUNTY BOARD OF APPEALS ITHE APPLICATION OF OF BALTIMORE COUNTY TACO BELL CORPORATION FOR PETITION FOR SPECIAL HEARING * Case No. 87-45-SPHA SW/COR JOPPA ROAD AND OLD HARFORD ROAD (2317 Joppa Rd) AND VARIANCE 9th ELECTION DISTRICT | 6th COUNCILMANIC DISTRICT

ORDER FOR APPEAL BY TACO BELL CORPORATION

Madam Clerk:

Please enter an appeal on behalf of Taco Bell Corporation, Petitioner, from the Order of the County Board of Appeals of Baltimore County, passed in the above case on July 7, 1987.

STANLEY S. FINE

BARRY WEISKOPF Nother Answer Greenkers Ennelman & Robert, P. A.

KAPLAN, HEYMAN, GREENBERG, ENGELMAN & BELGRAD, P.A. Tenth Floor - Sun Life Building 20 South Charles Street Baltimore, Maryland 21201 301/539-6967

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this (the day of August, 1987, a copy of the foregoing Order for Appeal was hand-delivered to the County Board of

Form CA4

Jobi Adams — 494-2660

Appeals of Baltimore County, Room 200, Court House, Towson, Maryland 21204, prior to the filing of this Order of Appeal.

Kathy Rushton — 494-2660

Assignment — Jury — Motions

Marcia Fennell

Assistant Clerk Typist

2/9/87 - Following notified of hearing set for Wednesday, July 1, 1987, at 10 a.m.;

Richard Elgin Robt. Ward Wm. Gerhardt John Sinnott Mariano Cuba Jos. Sullivan Greater Parkville Stanley Fine, Esq. David Bock People's Counsel Norman Gerber, J. Hoswell A. Jablon, J. Jung, J. Dyer, M. duBois

Civil Assignment Commissioner Settlement Court COUNTY COURTS BUILDING 401 Bosley Avenue Maria Ercolano — 494-2662 Irene Summers - 494-2661 P.O. Box 6754 Assignment - Non-Jury - Motions Masters Assignment Clerk Medical Records Towson, Maryland, 21204-0754 Freddie Grove Assistant Clerk Typist September 25, 1987. TO: Stanley S. Fine, Esq. Barry Weiskopf, Esq. Thomas J. Bollinger, Esq. County Board of Appeals NON JURY - 87CG 3411 - TACO EELL CORP. FOR THE PETITION FOR SPECIAL HEARING Wednesday, December 9, 1987, @ 9:30 a.m. HEARING DATE: Appeal: 1 hour ON THE FOLLOWING: Please see the below notations. UPON RECEIPT OF THIS NOTICE: Counsel shall contact each other instructiately to conform calendars Claim of not receiving notice will not Сопышие теамон тог рамиролестине. If the above Hearing Date is not agreeable to any counsel, a request for a postponement MUST BE MADE IN WRITING to the Assignment Office AS SOON AS POSSIBLE, with a copy to all counsel involved. <u>POSTPONEMENTS PRIOR TO 15 DAYS OF TRIAL</u> should be directed to the attention of Jobi Adams. <u>POSTPONEMENTS WITHIN 15 DAYS OF TRIAL</u> must be made to the attention of the Director of Central Assignments – Joyce Grimin – 494-3497.

SETTLEMENTS: If a settlement if reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put

on the record if no order of satisfaction is filed prior to trial.

CIRCUIT COURT FOR BALTIMORE COUNTY

ASSIGNMENT OFFICE

Form CA4 CIRCUIT COURT FOR BALTIMORE COUNTY Jobi Adams — 494-2660 Cryl Assignment Commissioner Settlement Court Maria Ercolano — 494-2662 Masters Assignment Clerk Medical Records

. ASSIGNMENT OFFICE **COUNTY COURTS BUILDING** 401 Bosley Avenue P.O. Box 6754 Towson, Maryland, 21204-0754

September 23, 1987.

Stanley S. Fine, Emq. Barry Weiskopf, Esq. Thomas J. Bollinger, Esq. County Board of Appeals

Kathy Rushton — 494-2660 Assignment -- Jury -- Motions Marcia Fennell Assistant Clerk Typist

Irene Summers - 494-2661 Assignment -- Non-Jury -- Motions Freddie Grove **Assertant Clerk Typist**

NOW JURY - 8700 3411 - TACO BELL COMP. FOR THE PETITION FOR SPECIAL HEARING

HEARING DATE:

10

Vednesday, December 9, 1987, 2 9:50 m.m.

ON THE FOLLOWING

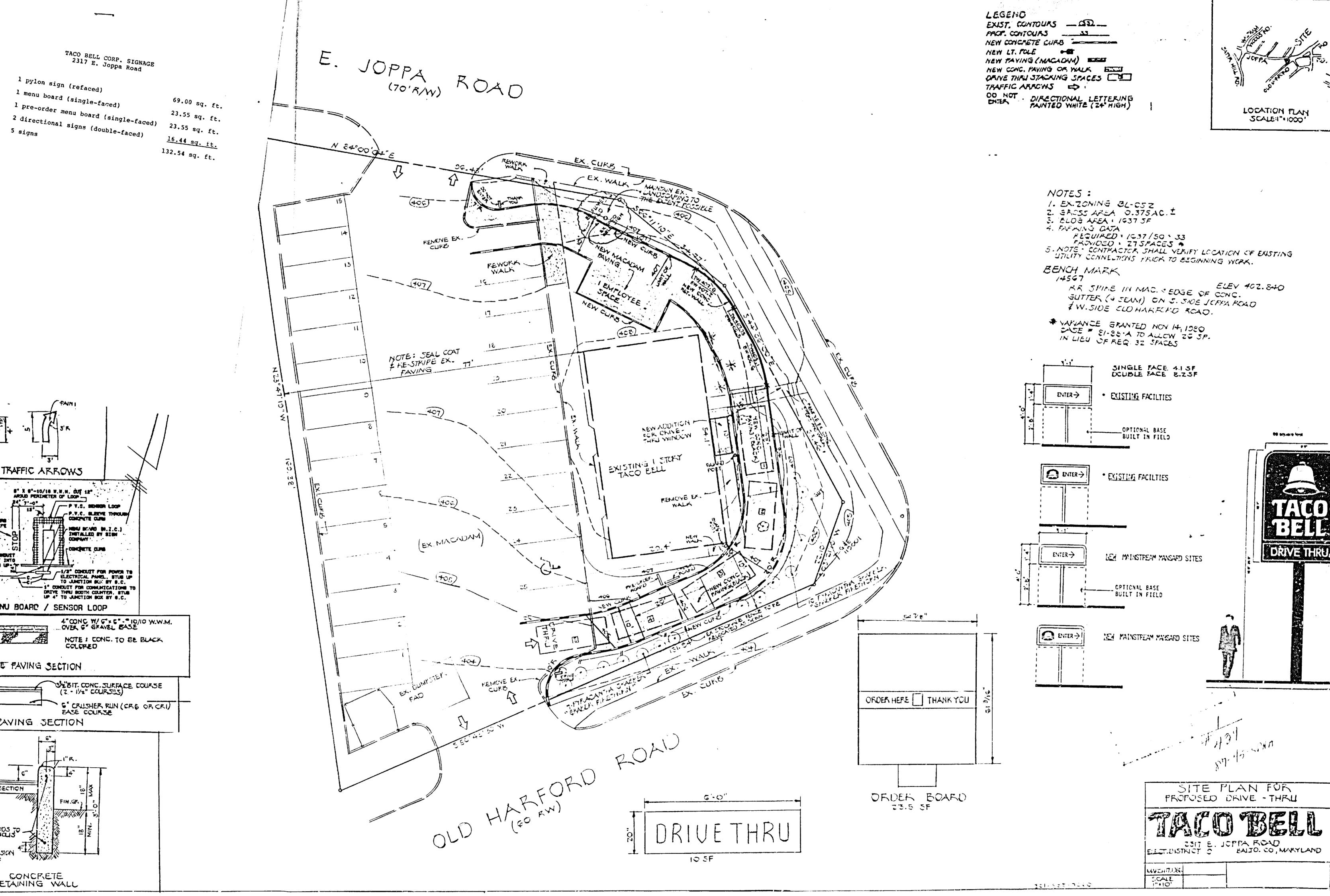
Appeal: 1 hour

Please see the below notations

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SETTLEMENTS: If a settlement if reached prior to the hearing date, the Assignment Office must be notified immediately. All settlements must be put on the record it no order of satisfaction is filed prior to trial.



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PAINTED TRAFFIC ARROWS

8" X 8"-10/18 M.M.M. OUT 12" AROUD PERIMETER OF LOOP ...

MENU BOARD / SENSOR LOOP

CONCRETE PAVING SECTION

PAMMS SECTION

Z.NO.4 RODS TO -

Provide expansion of '05 of Striol

PAVING SECTION

CONCRETE RETAINING WALL

/-- P Y.S. SEMER LOOP

-1/2" COMMIT FOR POWER TO ELECTRICAL PANEL. STUB UP TO JUNCTION BOX BY S.C.

1" COMMITTED COMMITTED TO DRIVE THRU BOOTH COUNTER. STUB UP 4" TO JUNCTION BOX BY S.C.

CONCRETE CURE THROUGH

l menu board (single-faced)